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UNIVERSITY OF ILLINOIS

THE CANADIAN PACIFIC RAILWAY

CONTRACT

BETWEEN THE

GOVERNMENT OF THE DOMINION OF CANADA

AND THE

CANADIAN PACIFIC RAILWAY COMPANY,

ALSO

THE CONSOLIDATED RAILWAY ACT (1879), AND THE ACT OF 1881 AMENDING IT.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO., WELLINGTON STREET.
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TO

ACT 44 VIC., CAP. 1.

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		Authorized to convert money subsidy into a fund, and pay from such fund interest to a certain extent on bonds of the Company	2	33
		May admit certain materials for original construction of railway, duty free	2	35
Act. s. 5 Contract. s. 7	s. 9	Also for telegraph line and apparatus	2	35
		May transfer completed portions of railway and those which shall hereafter be constructed to Company	3	32
Act. s. 6 Contract. s. 2	s. 2	Shall take security for the continuous operation of the railway for ten years after its completion	3	
		Shall pay interest on cash deposited as security	4	30
		Shall return deposits to Company on completion of the railway	4	30
		Shall refer differences arising as to quality of construction of railway to arbitration	4	31
s. 6	s. 6	Shall cause Lake Superior section of railway and that part of western section from Kamloops to Yale to be completed according to the contracts entered into	5	32
s. 6		Also that portion from Yale to Port Moody	5	32
s. 6		Shall cause the standard of work on such sections to be maintained as laid down in the contracts, except as far as the same were modified prior to the date of the Company's contract	5	32
s. 7		Shall transfer to Company such portions of railway as are already constructed, or as the same shall be constructed.	6	32
		Shall convey the same to the Company with suitable station buildings and water service	6	32
		Shall pay subsidy in money and land	6	32
s. 9*b*		Shall pay and grant to Company the proportionate amount of subsidy due, on the completion of any portion of the railway not less than twenty miles in length	7	33
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		Shall only pay interest to such extent as the equivalent of the corresponding cash payment due, is determined to be, by actuarial calculation.....	8	34
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		Shall retain exclusive control over proceeds of mortgage bonds sold in excess of $25,000,000	8	34
		Shall pay over to Company, from time to time, certain proportionate amounts of dividends as above.....	8	34
		Shall be empowered, if only a portion of the mortgage bonds be sold, to make payments partly in cash and partly in bonds.	8	34
		Shall receive and hold such deposits of money, as is above referred to, for the creation of a sinking fund to redeem the bonds.....	8	35
s. 10	.....	Shall grant land for railway purposes in so far as they are vested in them.....	8	35
		Shall admit certain materials required by Company, free of duty.....	9	35
		Shall convey at cost price, all rails bought since 1879, and other materials at a valuation, not required for construction of Lake Superior and other sections.....	9	35
s. 11	.....	Shall grant land subsidy to Company, in alternate sections on each side of the line, &c., &c	9	35
		Shall make up deficiency for lands not fairly fit for settlement.....	9	35
s. 12	.....	Shall extinguish Indian titles to lands, &c.....	9	36
s. 14	.....	Shall grant lands for branches, &c	10	36
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		Shall exempt lands, till occupied or sold, for 20 years.....	10	37
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		Shall, if Land Grant Bonds be issued, retain one-fifth as security for performance of contract, maintenance and continuous working of the railway	11	37
		Shall not demand payment of coupons or interest on Land Grant Bonds retained as security, so long as default is not made.....	11	37
		Shall hold proceeds of any Land Grant Bonds, deposited as security that may be paid off, and pay interest thereon so long as default is not made.....	11	37
		Shall at end of 10 years after completion of railway, if no default has occurred, deliver back the Land Grant Bonds retained as security, with all coupons attached, and the money received for any paid off	11	37
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44 VICTORIA.

CHAP. 1.

An Act respecting the Canadian Pacific Railway.

[*Assented to* 15*th February*, 1881.]

Preamble.

WHEREAS by the terms and conditions of the admission of British Columbia into Union with the Dominion of Canada, the Government of the Dominion has assumed the obligation of causing a Railway to be constructed, connecting the seaboard of British Columbia with the Railway system of Canada;

Preference of Parliament for construction by a company.

And whereas the Parliament of Canada has repeatedly declared a preference for the construction and operation of such Railway by means of an incorporated Company aided by grants of money and land, rather than by the Government, and certain Statutes have been passed to enable that course to be followed, but the enactments therein contained have not been effectual for that purpose;

Greater part still unconstructed.

And whereas certain sections of the said Railway have been constructed by the Government, and others are in course of construction, but the greater portion of the main line thereof has not yet been commenced or placed under contract, and it is necessary for the development of the North-West Territory and for the preservation of the good faith of the Government in the performance of its obligations, that immediate steps should be taken to complete and operate the whole of the said Railway;

Contract entered into.

And whereas, in conformity with the expressed desire of Parliament, a contract has been entered into for the construction of the said portion of the main line of said Railway, and for the permanent working of the whole line thereof, which contract with the schedule annexed has been laid before Parliament for its approval and a copy thereof is appended hereto, and it is expedient to approve and ratify the said contract, and to make provision for the carrying out of the same;

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Contract approved.

1. The said contract, a copy of which with schedule annexed, is appended hereto, is hereby approved and ratified, and the Government is hereby authorized to perform and carry out the conditions thereof, according to their purport.

Charter may be granted.

2. For the purpose of incorporating the persons mentioned in the said contract, and those who shall be associated with them in the undertaking, and of granting to them the powers necessary to enable them to carry out the said contract according to the terms thereof, the Governor may grant to them in conformity with the said contract, under the corporate name of the Canadian Pacific Railway Company, a charter conferring upon them the franchises, privileges and powers embodied in the schedule to the said contract and to this Act appended, and such charter, being published in the *Canada Gazette*, with any Order or Orders in Council relating to it, shall have force and effect as if it were an Act of the Parliament of Canada, and shall be held to be an Act of incorporation within the meaning of the said contract.

Publication and effect of charter.

Certain grants of money and land may be made to the company chartered.

3. Upon the organization of the said Company, and the deposit by them, with the Government, of one million dollars in cash or securities approved by the Government, for the purpose in the said contract provided, and in consideration of the completion and perpetual and efficient operation of the Railway by the said Company, as stipulated in the said contract, the Government may grant to the Company a subsidy of twenty-five million dollars in money, and twenty-five million acres of land, to be paid and conveyed to the Company in the manner and proportions, and upon the terms and conditions agreed upon in the said contract, and may also grant to the Company the land for right of way, stations, and other purposes, and such other privileges as are provided for in the said contract. And in lieu of the payment of the said money subsidy direct to the Company, the Government may convert the same, and any interest accruing thereon, into a fund for the payment to the extent of such fund, of interest on the bonds of the Company, and may pay such interest accordingly; the whole in manner and form as provided for in the said contract.

Conversion of money grant authorized.

Certain materials may be admitted free of duty.

4. The Government may also permit the admission free of duty, of all steel rails, fish plates, and other fastenings, spikes, bolts and nuts, wire, timber, and all material for bridges to be used in the original construction of the said Canadian Pacific Railway, as defined by the Act thirty-

seventh Victoria, chapter fourteen, and of a telegraph line in connection therewith, and all telegraphic apparatus required for the first equipment of such telegraph line, the whole as provided by the tenth section of the said contract.

Company to have possession of completed portions.

5. Pending the completion of the eastern and central sections of the said Railway as described in the said contract, the Government may also transfer to the said Company the possession and right to work and run the several portions of the Canadian Pacific Railway as described in the said Act thirty-seventh Victoria, chapter fourteen, which are already constructed and as the same shall be hereafter completed; and upon the completion of the said Eastern and Central sections the Government may convey to the Company, with a suitable number of station buildings, and with water service (but without equipment), those portions of the Canadian Pacific Railway constructed, or agreed by the said contract to be constructed by the Government, which shall then be completed; and upon completion of the remainder of the portion of the said Railway to be constructed by the Government, that portion also may be conveyed by the Goverment to the Company, and the Canadian Pacific Railway defined as aforesaid shall become and be thereafter the absolute property of the Company; the whole, however, upon the terms and conditions and subject to the restrictions and limitations contained in the said contract.

Conveyance thereof to company when the contract is performed.

Security may be taken for operation.

6. The Government shall also take security for the continuous operation of the said Railway during the ten years next subsequent to the completion thereof in the manner provided by the said contract.

SCHEDULE.

THIS CONTRACT AND AGREEMENT MADE BETWEEN HER MASESTY THE QUEN, acting in respect of the Dominion of Canada, and herein represented and acting by the Honorable Sir CHARLES TUPPER, K.C.M.G., Minister of Railways and Canals, and George Stephen and Duncan McIntyre, of Montreal, in Canada, John S. Kennedy of New York, in the State of New York, Richard B. Angus and James J. Hill, of St. Paul, in the State of Minnesota, Morton, Rose & Co., of London, England, and Kohn Reinach & Co., of Paris, France.

Witnesses:

That the parties hereto have contracted and agreed with each other as follows, namely :—

Interpretation.

1. For the better interpretation of this contract, it is hereby declared that the portion of Railway hereinafter called the Eastern section, shall comprise that part of the Canadian Pacific Railway to be constructed, extending from the

Western terminus of the Canada Central Railway, near the East end of Lake Nipissing, known as Callander Station, to a point of junction with that portion of the said Canadian Pacific Railway now in course of construction extending from Lake Superior to Selkirk on the East side of Red River; which latter portion is hereinafter called the Lake Superior section. That the portion of said Railway, now partially in course of construction, extending from Selkirk to Kamloops, is hereinafter called the Central section; and the portion of said Railway now in course of construction, extending from Kamloops to Port Moody, is hereinafter called the Western section. And that the words "the Canadian Pacific Railway," are intended to mean the entire Railway, as described in the Act 37th Victoria, cap. 14. The individual parties hereto, are hereinafter described as the Company; and the Government of Canada is hereinafter called the Government.

Security to be given by the company.

2. The contractors immediately after the organization of the said Company, shall deposit with the Government $1,000,000 in cash or approved securities, as a security for the construction of the Railway hereby contracted for. The Government shall pay to the Company interest on the cash deposited at the rate of four per cent. per annum, half-yearly, and shall pay over to the Company the interest received upon securities deposited, the whole until default in the performance of the conditions hereof, or until the repayment of the deposit, and shall return the deposit to the Company on the completion of the Railway, according to the terms hereof, with any interest accrued thereon.

Eastern and central sections to be constructed by company described.

3. The Company shall lay out, construct and equip the said Eastern section, and the said Central section, of a uniform gauge of 4 feet 8½ inches; and in order to establish an approximate standard whereby the quality and the character of the Railway and of the materials used in the construction thereof, and of the equipment thereof may be regulated, the Union Pacific Railway of the United States as the same was when first constructed, is hereby selected and fixed as such standard. And if the Government and the Company should be unable to agree as to whether or not any work done or materials furnished under this contract are in fair conformity with such standard, or as to any other question of fact, excluding questions of law, the subject of disagreement shall be from time to time referred to the determination of three referees, one of whom shall be chosen by the Government, one by the Company, and one by the two referees so chosen, and such referees shall decide as to the party by whom the expense of such reference shall be defrayed. And if such two referees should be unable to agree upon a third referee, he shall be appointed at the instance of either party thereto, after notice to the other, by the Chief Justice of the

Standard of railway and provision in case of disagreement as to conformity to it.

Supreme Court of Canada. And the decision of such referees, or of the majority of them, shall be final.

Commencement and regular progress of the work.

4. The work of construction shall be commenced at the eastern extremity of the Eastern section not later than the first day of July next, and the work upon the Central section shall be commenced by the Company at such point towards the eastern end thereof on the portion of the line now under construction as shall be found convenient and as shall be approved by the Government, at a date not later than the 1st May next. And the work upon the Eastern and Central sections, shall be vigorously and continuously carried on at such rate of annual progress on each section as shall enable the Company to complete and equip the same and each of them, in running order, on or before the 1st day of May, 1891, by which date the Company hereby agree to complete and equip the said sections in conformity with this contract, unless prevented by the Act of God, the Queen's enemies, intestine disturbances, epidemics, floods, or other causes beyond the control of the Company. And in case of the interruption or obstruction of the work of construction from any of the said causes, the time fixed for the completion of the Railway shall be extended for a corresponding period.

Period for completion.

As to portion made by Government.

5. The Company shall pay to the Government the cost, according to the contract, of the portion of railway, 100 miles in length, extending from the city of Winnipeg westward, up to the time at which the work was taken out of the hands of the contractor and the expenses since incurred by the Government in the work of construction, but shall have the right to assume the said work at any time and complete the same, paying the cost of construction as aforesaid so far as the same shall then have been incurred by the Government.

Government to construct portions now under contract within periods fixed by contract.

6. Unless prevented by the act of God, the Queen's enemies, intestine disturbances, epidemics, floods or other causes beyond the control of the Government, the Government shall cause to be completed the said Lake Superior section, by the dates fixed by the existing contracts for the construction thereof, and shall also cause to be completed the portion of the said Western section now under contract, namely, from Kamloops to Yale, within the period fixed by the contracts therefor, namely, by the thirteenth day of June, 1885; and shall also cause to be completed, on or before the first day of May, 1891, the remaining portion of the said Western section, lying between Yale and Port Moody, which shall be constructed of equally good quality in every respect with the standard hereby created for the portion hereby contracted for. And the said Lake Superior section, and the portions of the said Western section now under contract, shall be completed as nearly as practicable according to the

specifications and conditions of the contracts therefor, except in so far as the same have been modified by the Government prior to this contract.

Completed railway to be property of company.

7. The Railway constructed under the terms hereof shall be the property of the Company: and pending the completion of the Eastern and Central sections, the Government shall transfer to the Company the possession and right to work and run the several portions of the Canadian Pacific Railway already constructed or as the same shall be completed.

Transfer of portions constructed by Government.

And upon the completion of the Eastern and Central sections, the Government shall convey to the Company, with a suitable number of station buildings and with water service (but without equipment), those portions of the Canadian Pacific Railway constructed or to be constructed by the Government which shall then be completed; and upon completion of the remainder of the portion of the railway to be constructed by the Government, that portion shall also be conveyed to the Company, and the Canadian Pacific Railway shall become and be thereafter the absolute property of the Company. And the Company shall thereafter and forever efficiently maintain, work and run the Canadian Pacific Railway.

Company to operate the railway for ever.

Company to equip portions transferred to them.

8. Upon the reception from the Government of the possession of each of the respective portions of the Canadian Pacific Railway, the Company shall equip the same in conformity with the standard herein established for the equipment of the sections hereby contracted for, and shall thereafter maintain and efficiently operate the same.

Subsidy in money and land.

9. In consideration of the premises, the Government agree to grant to the Company a subsidy in money of $25,000,000, and in land of 25,000,000 acres, for which subsidies the construction of the Canadian Pacific Railway shall be completed and the same shall be equipped, maintained and operated, the said subsidies respectively to be paid and granted as the work of construction shall proceed, in manner and upon the conditions following, that is to say:

Apportionment of money.

a. The said subsidy in money is hereby divided and appropriated as follows, namely:—

CENTRAL SECTION.

Assumed at 1,350 miles—		
1st.—900 miles, at $10,000 per mile.....	$ 9,000,000	
2nd.—450 " " 13,333 " "	6,000,000	
		$15,000,000

EASTERN SECTION.

Assumed at 650 miles, subsidy equal to $15,384.61 per mile	10,000,000
	$25,000,000

And the said subsidy in land is hereby divided and appropriated as follows, subj ct to the reserve hereinafter provided for. And of land.

CENTRAL SECTION.

1st.—900 miles, at 12,500 acres per mile.	11,250,000	
2nd.—150 " " 16,666.66 " "	7,500,000	
		18,750,000

EASTERN SECTION.

assumed at 650 miles, subsidy equal to 9,615.35 acres per mile	6,250,000
	25,000,000

b. Upon the construction of any portion of the railway hereby contracted for, not less than 20 miles in length, and the completion thereof so as to admit of the running of regular trains thereon, together with such equipment thereof as shall be required for the traffic thereon, the Government shall pay and grant to the Company the money and land subsidies applicable thereto, according to the division and appropriation thereof made as hereinbefore provided; the Company having the option of receiving in lieu of cash, terminable bonds of the Government, bearing such rate of interest for such period and nominal amount as may be arranged, and which may be equivalent according to actuarial calculation to the corresponding cash payment, the Government allowing four per cent. interest on moneys deposited with them. When to be paid or granted. Option of company to take terminable bonds.

c. If at any time the Company shall cause to be delivered on or near the line of the said Railway, at a place satisfactory to the Government, steel rails and fastenings to be used in the construction of the Railway, but in advance of the requirements for such construction, the Government, on the requisition of the Company, shall, upon such terms and conditions as shall be determined by the Government, advance thereon three-fourths of the value thereof at the place of delivery. And a proportion of the amount so advanced shall be deducted according to such terms and conditions from the subsidy to be thereafter paid, upon the settlement for each section of 20 miles of Railway, which proportion shall correspond with the proportion of such rails and fastenings which have been used in the construction of such sections. Provision as to materials for construction delivered in advance.

d. Until the first day of January, 1882, the Company shall have the option, instead of issuing land grant bonds as hereinafter provided, of substituting the payment by the Government of the interest (or part of the interest) on bonds of the Company mortgaging the railway and the lands to be granted by the Government, running over such term of years as may be approved by the Governor in Council, in Option of the company during a certain time to substitute payment of interest on certain bonds instead of issuing land grant bonds.

lieu of the cash subsidy hereby agreed to be granted to the Company or any part thereof; such payments of interest to be equivalent according to actuarial calculation to the corresponding cash payment, the Government allowing four per cent. interest on moneys deposited with them; and the coupons representing the interest on such bonds shall be guaranteed by the Government to the extent of such equivalent. And the proceeds of the sale of such bonds to the extent of not more than $25,000,000, shall be deposited with the Government, and the balance of such proceeds shall be placed elsewhere by the Company, to the satisfaction and under the exclusive control of the Government; failing which last condition the bonds in excess of those sold shall remain in the hands of the Government. And from time to time, as the work proceeds, the Government shall pay over to the Company: firstly, out of the amount so to be placed by the Company,—and, after the expenditure of that amount, out of the amount deposited with the Government,—sums of money bearing the same proportion to the mileage cash subsidy hereby agreed upon, which the net proceeds of such sale (if the whole of such bonds are sold upon the issue thereof) or, if such bonds be not all then sold, the net proceeds of the issue, calculated at the rate at which the sale of part of them shall have been made, shall bear to the sum of $25,000,000. But if only a portion of the bond issue be sold, the amount earned by the Company according to the proportion aforesaid, shall be paid to the Company, partly out of the bonds in the hands of the Government, and partly out of the cash deposited with the Government, in similar proportions to the amount of such bonds sold and remaining unsold respectively; and the Company shall receive the bonds so paid as cash at the rate at which the said partial sale thereof shall have been made. And the Government will receive and hold such sum of money towards the creation of a sinking fund for the redemption of such bonds, and upon such terms and conditions, as shall be agreed upon between the Government and the Company.

Deposit of proceeds of sale of such bonds.

Payments by company out of such deposits.

Payment by delivery of bonds.

Sinking fund.

Alteration in apportionment of money grant in such case

e. If the Company avail themselves of the option granted by clause *d*, the sum of $2,000 per mile for the first eight hundred miles of the Central section shall be deducted *pro rata* from the amount payable to the Company in respect of the said eight hundred miles, and shall be appropriated to increase the mileage cash subsidy appropriated to the remainder of the said Central section.

Grant of land required for railway purpose.

10. In further consideration of the premises, the Government shall also grant to the Company the lands required for the road-bed of the Railway, and for its stations, station grounds, workshops, dock ground and water frontage at the termini on navigable waters, buildings, yards and other appurtenances required for the convenient and effectual

construction and working of the railway, in so far as such land shall be vested in the Government. And the Government shall also permit the admission free of duty, of all steel rails, fish plates and other fastenings, spikes, bolts and nuts, wire, timber and all material for bridges, to be used in the original construction of the railway, and of a telegraph line in connection therewith, and all telegraphic apparatus required for the first equipment of such telegraph line; and will convey to the Company at cost price, with interest, all rails and fastenings bought in or since the year 1879, and other materials for construction in the possession of or purchased by the Government, at a valuation; such rails, fastenings and materials not being required by it for the construction of the said Lake Superior and Western sections.

Admission of certain materials free of duty.

Sale of certain material to company by Government.

11. The grant of land hereby agreed to be made to the Company, shall be so made in alternate sections of 640 acres each, extending back 24 miles deep, on each side of the railway, from Winnipeg to Jasper House, in so far as such lands shall be vested in the Government, the Company receiving the sections bearing uneven numbers. But should any of such sections consist in a material degree of land not fairly fit for settlement, the Company shall not be obliged to receive them as part of such grant, and the deficiency thereby caused, and any further deficiency which may arise from the insufficient quantity of land along the said portion of railway, to complete the said 25,000,000 acres, or from the prevalence of lakes and water stretches in the sections granted (which lakes and water stretches shall not be computed in the acreage of such sections), shall be made up from other portions in the tract known as the fertile belt, that is to say, the land lying between parallels 49 and 57 degrees of north latitude, or elsewhere at the option of the Company, by the grant therein of similar alternate sections extending back 24 miles deep on each side of any branch line or lines of railway to be located by the Company, and to be shown on a map or plan thereof deposited with the Minister of Railways; or of any common front line or lines agreed upon between the Government and the Company, the conditions hereinbefore stated as to lands not fairly fit for settlement to be applicable to such additional grants. And the Company may, with the consent of the Government, select in the North-West Territories any tract or tracts of land not taken up as a means of supplying or partially supplying such deficiency. But such grants shall be made only from lands remaining vested in the Government.

Provision respecting land grant. Case of deficiency of land on line of railway provided for.

Selection in such case with consent of Government.

12. The Government shall extinguish the Indian title affecting the lands herein appropriated, and to be hereafter granted in aid of the railway.

As to Indian title.

Location of railway between terminal points

13. The Company shall have the right, subject to the approval of the Governor in Council, to lay out and locate the line of the railway hereby contracted for, as they may see fit, preserving the following terminal points, namely: From Callander station to the point of junction with the Lake Superior section; and from Selkirk to the junction with the western section at Kamloops by way of the Yellow Head Pass.

Power to construct branches.

14. The Company shall have the right, from time to time, to lay out, construct, equip, maintain and work branch lines of railway from any point or points along their main line of railway, to any point or points within the territory of the Dominion. Provided always, that before commencing any branch they shall first deposit a map and plan of such branch in the Department of Railways. And the Government shall grant to the Company the lands required for the road-bed of such branches, and for the station, station-grounds, buildings, workshops, yards and other appurtenances requisite for the efficient construction and working of such branches, in so far as such lands are vested in the Government.

Lands necessary for the same.

Restrictions as to competing lines for a limited period.

15. For 20 years from the date hereof, no line of railway shall be authorized by the Dominion Parliament to be constructed south of the Canadian Pacific Railway, from any point at or near the Canadian Pacific Railway except such line as shall run South-West, or to the Westward of South-West; nor to within fifteen miles of latitude 49. And in the establishment of any new Province in the North-West Territories, provision shall be made for continuing such prohibition after such establishment until the expiration of the said period.

Exemption from taxation in N. W. territories.

16. The Canadian Pacific Railway, and all stations and station grounds, workshops, buildings, yards and other property, rolling stock and appurtenances required and used for the construction and working thereof, and the capital stock of the Company, shall be forever free from taxation by the Dominion, or by any Province hereafter to be established, or by any Municipal Corporation therein; and the lands of the Company, in the North-West Territories, until they are either sold or occupied, shall also be free from such taxation for 20 years after the grant thereof from the Crown.

Land-grant bonds.

Their nature and condi-

17. The Company shall be authorized by their Act of incorporation to issue bonds, secured upon land granted and to be granted to the Company, containing provisions for the use of such bonds in the acquisition of lands, and such other

conditions as the Company shall see fit, such issue to be for $25,000,000. And should the Company make such issue of land grant bonds, then they shall deposit them in the hands of the Government; and the Government shall retain and hold one-fifth of such bonds as security for the due performance of the present contract in respect of the maintenance and continuous working of the railway by the Company, as herein agreed, for ten years after the completion thereof, and the remaining $20,000,000 of such bonds shall be dealt with as hereinafter provided And as to the said one-fifth of the said bonds, so long as no default shall occur in the maintenance and working of the said Canadian Pacific Railway, the Government shall not present or demand payment of the coupons of such bonds, nor require payment of any interest thereon. And if any of such bonds so to be retained by the Government shall be paid off in the manner to be provided for the extinction of the whole issue thereof, the Government shall hold the amount received in payment thereof as security for the same purposes as the bonds so paid off, paying interest thereon at four per cent. per annum so long as default is not made by the Company in the performance of the conditions hereof. And at the end of the said period of ten years from the completion of the said Railway, if no default shall then have occurred in such maintenance and working thereof, the said bonds, or if any of them shall then have been paid off, the remainder of said bonds and the money received for those paid off, with accrued interest, shall be delivered back by the Government to the Company with all the coupons attached to such bonds. But, if such default should occur, the Government may thereafter require payment of interest on the bonds so held, and shall not be obliged to continue to pay interest on the money representing bonds paid off; and while the Government shall retain the right to hold the said portion of the said land grant bonds, other securities satisfactory to the Government may be substituted for them by the Company by agreement with the Government.

tions of issue by the company.

Deposit with Government; for what purposes and on what conditions.

If the company make no default in operating railway.

In case of such default.

18. If the Company shall find it necessary or expedient to sell the remaining $20,000,000 of the land grant bonds or a larger portion thereof than in the proportion of one dollar for each acre of land then earned by the Company, they shall be allowed to do so, but the proceeds thereof, over and above the amount to which the Company shall be entitled as herein provided, shall be deposited with the Government. And the Government shall pay interest upon such deposit half-yearly, at the rate of four per cent. per annum, and shall pay over the amount of such deposit to the Company from time to time as the work proceeds, in the

Provision if such bonds are sold faster than lands are earned by the company and deposit on interest with Government, and payments by Government to company.

same proportions, and at the same times and upon the same conditions as the land grant—that is to say: the Company shall be entitled to receive from the Government out of the proceeds of the said land grant bonds, the same number of dollars as the number of acres of the land subsidy which shall then have been earned by them, less one-fifth thereof, that is to say, if the bonds are sold at par, but if they are sold at less than par, then a deduction shall be made therefrom corresponding to the discount at which such bonds are sold. And such land grant shall be conveyed to them by the Government, subject to the charge created as security for the said land grant bonds, and shall remain subject to such charge till relieved thereof in such manner as shall be provided for at the time of the issue of such bonds.

Lands to be granted subject to such bonds.

Company to pay expenses.

19. The Company shall pay any expenses which shall be incurred by the Government in carrying out the provisions of the two last preceding clauses of this contract.

If land bonds are not issued one-fifth of land to be retained as security.

How to be disposed of.

20. If the Company should not issue such land grant bonds, then the Government shall retain from out of each grant to be made from time to time, every fifth section of the lands hereby agreed to be granted, such lands to be so retained as security for the purposes, and for the length of time, mentioned in section eighteen hereof And such lands may be sold in such manner and at such prices as shall be agreed upon between the Government and the Company, and in that case the price thereof shall be paid to, and held by, the Government for the same period, and the same purposes as the land itself, the Government paying four per cent. per annum interest thereon. And other securities satisfactory to the Government may be substituted for such lands or money by agreement with the Government.

Substitution of other securities.

Company to be incorporated as by schedule A.

21. The Company to be incorporated, with sufficient powers to enable them to carry out the foregoing contract, and this contract shall only be binding in the event of an Act of incorporation being granted to the Company in the form hereto appended as Schedule A.

Railway Act to apply.

Exceptions.

22. The Railway Act of 1879, in so far as the provisions of the same are applicable to the undertaking referred to in this contract, and in so far as they are not inconsistent herewith or inconsistent with or contrary to the provisions of the Act of incorporation to be granted to the Company, shall apply to the Canadian Pacific Railway.

In witness whereof the parties hereto have executed these presents at the City of Ottawa, this twenty-first day of October, 1880.

(Signed) CHARLES TUPPER,
Minister of Railways and Canals.
" GEO. STEPHEN,
" DUNCAN McINTYRE,
" J. S. KENNEDY,
" R. B ANGUS,
" J. J. HILL,
Per pro. Geo. Stephen.
" MORTON, ROSE & Co.,
" KOHN, REINACH & Co.,
By P. Du P. Grenfell.

Signed in presence of F. BRAUN, and Seal of the Department hereto affixed by Sir CHARLES TUPPER, in presence of

(Signed) F. BRAUN.

SCHEDULE A, REFERRED TO IN THE FOREGOING CONTRACT.

INCORPORATION.

1. George Stephen, of Montreal, in Canada, Esquire; Duncan McIntyre, of Montreal, aforesaid, Merchant; John S. Kennedy, of New York, in the State of New York, Banker; the firm of Morton, Rose & Company, of London, in England, Merchants; the firm of Kohn, Reinach & Company, of Paris, in France, Bankers; Richard B. Angus and James J. Hill, both of St. Paul, in the State of Minnesota, Esquires; with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and they are hereby constituted a body corporate and politic, by the name of the "Canadian Pacific Railway Company." Certain persons incorporated. Corporate name.

2. The capital stock of the Company shall be twenty-five million dollars divided into shares of one hundred dollars each, which shares shall be transferable in such manner and upon such conditions as shall be provided by the by-laws of the Company; and such shares, or any part thereof, may be granted and issued as paid-up shares for value *bonâ fide* received by the Company, either in money at par or at such price and upon such conditions as the Board of Capital stock and shares. Paid up shares.

Directors may fix; or as part of the consideration of any contract made by the Company.

Substitution of company as contractors; and when.

3. As soon as five million dollars of the stock of the Company have been subscribed, and thirty per centum thereof paid up, and upon the deposit with the Minister of Finance of the Dominion of one million dollars in money or in securities approved by the Governor in Council, for the purpose and upon the conditions in the foregoing contract provided, the said contract shall become and be transferred to the Company, without the execution of any deed or instrument in that behalf; and the Company shall, thereupon, become and be vested with all the rights of the contractors named in the said contract, and shall be subject to, and liable for, all their duties and obligations, to the same extent and in the same manner as if the said contract had been executed by the said Company instead of by the said contractors; and thereupon the said contractors, as individuals, shall cease to have any right or interest in the said contract, and shall not be subject to any liability or responsibility under the terms thereof otherwise than as members of the corporation hereby created. And upon the performance of the said conditions respecting the subscription of stock, the partial payment thereof, and the deposit of one million dollars to the satisfaction of the Governor in Council, the publication by the Secretary of State in the *Canada Gazette*, of a notice that the transfer of the contract to the Company has been effected and completed shall be conclusive proof of the fact. And the Company shall cause to be paid up, on or before the first day of May next, a further instalment of twenty per centum upon the said first subscription of five million dollars, of which call thirty days' notice by circular mailed to each shareholder shall be sufficient. And the Company shall call in, and cause to be paid up, on or before the 31st day of December, 1882, the remainder of the said first subscription of five million dollars.

Effect of such substitution.

Notice in Canada Gazette.

Further instalment to be paid up.

And rest of $5,000,000.

Necessary franchises and powers granted.

4. All the franchises and powers necessary or useful to the Company to enable them to carry out, perform, enforce, use, and avail themselves of, every condition, stipulation, obligation, duty, right, remedy, privilege, and advantage agreed upon, contained or described in the said contract, are hereby conferred upon the Company. And the enactment of special provisions hereinafter contained shall not be held to impair or derogate from the generality of the franchises and powers so hereby conferred upon them.

Proviso.

DIRECTORS.

First directors of the company.

5. The said George Stephen, Duncan McIntyre, John S. Kennedy, Richard B. Angus, James J. Hill, Henry Stafford Northcote, of London, aforesaid, Esquires, Pascoe du P.

Grenfell, of London, aforesaid, Merchant, Charles Day Rose, of London, aforesaid, Merchant, and Baron J. de Reinach, of Paris, aforesaid, Banker, are hereby constituted the first Directors of the Company, with power to add to their number, but so that the Directors shall not in all exceed fifteen in number; and the majority of the Directors, of whom the President shall be one, shall be British subjects. And the Board of Directors so constituted shall have all the powers hereby conferred upon the Directors of the Company, and they shall hold office until the first annual meeting of the shareholders of the Company.

Number limited.

Majority to be British subjects.

Powers and term of office.

6. Each of the Directors of the Company, hereby appointed or hereafter appointed or elected, shall hold at least two hundred and fifty shares of the stock of the Company. But the number of Directors to be hereafter elected by the shareholders shall be such, not exceeding fifteen, as shall be fixed by by-law, and subject to the same conditions as the Directors appointed by, or under the authority of, the last preceding section; the number thereof may be hereafter altered from time to time in like manner. The votes for their election shall be by ballot.

Qualification of directors.

Alteration of number.

Ballot.

7. A majority of the Directors shall form a quorum of the Board; and until otherwise provided by by-law, Directors may vote and act by proxy, such proxy to be held by a Director only; but no Director shall hold more than two proxies, and no meeting of Directors shall be competent to transact business unless at least three Directors are present thereat in person, the remaining number of Directors required to form a quorum being represented by proxies.

Quorum.

Proviso.

Three must be present.

8. The Board of Directors may appoint from out of their number an Executive Committee, composed of at least three Directors, for the transaction of the ordinary business of the Company, with such powers and duties as shall be fixed by the by-laws; and the President shall be *ex-officio* a member of such committee.

Executive committee.

President to be one.

9. The chief place of business of the Company shall be at the City of Montreal, but the Company may, from time to time, by by-law, appoint and fix other places within or beyond the limits of Canada, at which the business of the Company may be transacted, and at which the Directors, or shareholders may meet, when called as shall be determined by the by-laws. And the Company shall appoint and fix by by-law, at least one place in each Province or Territory through which the Railway shall pass, where service of process may be made upon the Company, in respect of any cause of action arising within such Province or Territory, and may afterwards from time to time, change such place by by-law. And a copy of any by-law fixing or changing

Chief place of business; other places.

Places for service of process, &c.

How to be notified.

any such place, duly authenticated as herein provided, shall be deposited by the Company in the office, at the seat of Government of the Province or Territory to which such by-law shall apply, of the Clerk or Prothonotary of the highest, or one of the highest, courts of civil jurisdiction of such Province or Territory. And if any cause of action shall arise against the Company within any Province or Territory, and any writ or process be issued against the Company thereon out of any court in such Province or Territory, service of such process may be validly made upon the Company at the place within such Province or Territory so appointed and fixed; but if the Company fail to appoint and fix such place, or to deposit, as hereinbefore provided, the by-law made in that behalf, any such process may be validly served upon the Company, at any of the stations of the said Railway within such Province or Territory.

Service of process thereat.

And if company fail to appoint places.

SHAREHOLDERS.

First and other annual meeting.

10. The first annual meeting of the shareholders of the Company, for the appointment of Directors, shall be held on the second Wednesday in May, 1882, at the principal office of the Company, in Montreal: and the annual general meeting of shareholders, for the election of Directors and the transaction of business generally, shall be held on the same day in each year thereafter at the same place unless otherwise provided by the by-laws. And notice of each of such meetings shall be given by the publication thereof in the *Canada Gazette* for four weeks, and by such further means as shall from time to time be directed by the by-laws.

Notice.

Special general meetings notice.

11. Special general meetings of the shareholders may be convened in such manner as shall be provided by the by-laws. And except as hereinafter provided, notice of such meetings shall be given in the same manner as notices of annual general meetings, the purpose for which such meeting is called being mentioned in the notices thereof; and, except as hereinafter provided, all such meetings shall be held at the chief place of business of the Company.

Place.

Provision if a meeting be necessary before notice as aforesaid can be given.

12. If at any time before the first annual meeting of the shareholders of the Company, it should become expedient that a meeting of the Directors of the Company, or a special general meeting of the shareholders of the Company, should be held, before such meeting can conveniently be called, and notice thereof given in the manner provided by this Act, or by the by-laws, or before by-laws in that behalf have been passed, and at a place other than at the chief place of business of the Company in Montreal before the enactment of a by-law authorizing the holding of such meeting elsewhere; it shall be lawful for the President or for any three of the Directors of the Company to call special meetings either of

directors or of shareholders, or of both, to be held at the City of London in England, at times and places respectively, to be stated in the notices to be given of such meetings respectively; and notices of such meetings may be validly given by a circular mailed to the ordinary address of each director or shareholder, as the case may be, in time to enable him to attend such meeting, stating in general terms the purpose of the intended meeting. And in the case of a meeting of shareholders, the proceedings of such meeting shall be held to be valid and sufficient, and to be binding on the Company in all respects, if every shareholder of the Company be present thereat in person or by proxy, notwithstanding that notice of such meeting shall not have been given in the manner required by this Act

Notices in such case.

Meetings always valid if all shareholders or their proxies are present.

13. No shareholder holding shares upon which any call is overdue and unpaid shall vote at any meeting of shareholders And unless otherwise provided by the by-laws, the person holding the proxy of a shareholder shall be himself a shareholder.

Limitation as to votes and proxies.

14. No call upon unpaid shares shall be made for more than twenty per centum upon the amount thereof.

And as to calls.

RAILWAY AND TELEGRAPH LINES.

15. The Company may lay out, construct, acquire, equip, maintain and work a continuous line of railway, of the gauge of four feet eight and one-half inches; which railway shall extend from the terminus of the Canada Central Railway near Lake Nipissing, known as Callander Station, to Port Moody in the Province of British Columbia; and also, a branch line of railway from some point on the main line of railway to Fort William on Thunder Bay; and also the existing branch line of railway from Selkirk, in the Province of Manitoba, to Pembina, in the said province; and also other branches to be located by the Company from time to time, as provided by the said contract; the said branches to be of the gauge aforesaid; and the said main line of railway, and the said branch lines of railway shall be commenced and completed as provided by the said contract; and together with such other branch lines as shall be hereafter constructed by the said Company, and any extension of the said main line of railway that shall hereafter be constructed or acquired by the Company, shall constitute the line of railway hereinafter called THE CANADIAN PACIFIC RAILWAY.

Line and gauge of railway.

And certain branches.

Commencement and completion.

Other branches.

Name of railway.

16. The Company may construct, maintain and work a continuous telegraph line and telephone lines throughout and along the whole line of the Canadian Pacific Railway, or any part thereof, and may also construct or acquire by purchase, lease or otherwise, any other line or lines of tele-

Company may construct lines of telegraph or telephone and work them and collect tolls.

graph connecting with the line so to be constructed along the line of the said railway, and may undertake the transmission of messages for the public by any such line or lines of telegraph or telephone, and collect tolls for so doing; or may lease such line or lines of telegraph or telephone, or any portion thereof; and, if they think proper to undertake the transmission of messages for hire, they shall be subject to the provisions of the fourteenth, fifteenth and sixteenth sections of chapter sixty-seven of the Consolidated Statutes of Canada. And they may use any improvement that may hereafter be invented (subject to the rights of patentees) for telegraphing or telephoning, and any other means of communication that may be deemed expedient by the Company at any time hereafter.

Subject to Con. Stat. Can., c. 67, ss. 14, 15, 16.

As to future inventions.

POWERS.

Application of 42 V., c. 9.

17. "*The Consolidated Railway Act*, 1879," in so far as the provisions of the same are applicable to the undertaking authorized by this charter, and in so far as they are not inconsistent with or contrary to the provisions hereof, and save and except as hereinafter provided, is hereby incorporated herewith.

Exceptions as to such application.

18. As respects the said railway, the seventh section of "*The Consolidated Railway Act*, 1879," relating to POWERS, and the eighth section thereof relating to PLANS AND SURVEYS, shall be subject to the following provisions:—

As to lands of the Crown required.

a. The Company shall have the right to take, use and hold the beach and land below high water mark, in any stream, lake, navigable water, gulf or sea, in so far as the same shall be vested in the Crown, and shall not be required by the Crown, to such extent as shall be required by the Company for its railway and other works, and as shall be exhibited by a map or plan thereof deposited in the office of the Minister of Railways. But the provisions of this sub-section shall not apply to any beach or land lying East of Lake Nipissing, except with the approval of the Governor in Council.

Plans and book of reference.

b. It shall be sufficient that the map or plan and book of reference for any portion of the line of the railway not being within any district or county for which there is a Clerk of the Peace, be deposited in the office of the Minister of Railways of Canada, and any omission, mis-statement or erroneous description of any lands therein may be corrected by the Company, with the consent of the Minister and certified by him; and the Company may then make the railway in accordance with such certified correction.

c. The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the Railway passing over ungranted lands of the Crown, or lands not within any surveyed township in any Province; and in such places, deviations not exceeding five miles from the line shown on the map or plan as aforesaid, deposited by the Company, shall be allowed, without any formal correction or certificate; and any further deviation that may be found expedient may be authorized by order of the Governor in Council, and the Company may then make their Railway in accordance with such authorized deviation. Deviations from line on plan.

d. The map or plan and book of reference of any part of the main line of the Canadian Pacific Railway made and deposited in accordance with this section, after approval by the Governor in Council, and of any branch of such Railway hereafter to be located by the said Company in respect of which the approval of the Governor in Council shall not be necessary, shall avail as if made and deposited as required by the said "*Consolidated Railway Act*, 1879," for all the purposes of the said Act, and of this Act; and any copy of, or extract therefrom, certified by the said Minister or his deputy, shall be received as evidence in any court of law in Canada. Deposit of plan, &c. And of branches. Copies thereof.

e. It shall be sufficient that a map or profile of any part of the completed Railway which shall not lie within any county or district, having a registry office, be filed in the office of the Minister of Railways. Registration thereof.

19. It shall be lawful for the Company to take from any public lands adjacent to or near the line of the said Railway, all stone, timber, gravel and other materials which may be necessary or useful for the construction of the Railway; and also to lay out and appropriate to the use of the Company, a greater extent of land, whether public or private, for stations, depots, workshops, buildings, side-tracks, wharves, harbors and road-way, and for establishing screens against snow, than the breadth and the quantity mentioned in "*The Consolidated Railway Act*, 1879," such greater extent taken, in any case, being allowed by the Government, and shown on the maps or plans deposited with the Minister of Railways. Company may take materials from public lands; and a greater extent for stations, &c.

20. The limit to the reduction of tolls by the Parliament of Canada provided for by the eleventh sub-section of the 17th section of "*The Consolidated Railway Act*, 1879," respecting TOLLS, is hereby extended, so that such reduction may be to such an extent that such tolls when reduced shall not produce less than ten per cent. per annum profit on the capital actually expended in the construction of the Railway, instead of not less than fifteen per cent. per annum profit, as Limit of reduction of tolls by Parliament under 42 V., c. 9, s. 17, extended.

provided by the said sub-section; and so also that such reduction shall not be made unless the net income of the Company, ascertained as described in said sub-section, shall have exceeded ten per cent. per annum instead of fifteen per cent. per annum as provided by the said sub-section. And the exercise by the Governor in Council of the power of reducing the tolls of the Company as provided by the tenth sub-section of said section seventeen is hereby limited to the same extent with relation to the profit of the Company, and to its net revenue, as that to which the power of Parliament to reduce tolls is limited by said sub-section eleven as hereby amended.

Reduction by Governor in Council extended in like manner.

Restriction as to transfers of stock.

21. The first and second sub-sections of section 22, of "*The Consolidated Railway Act*, 1879," shall not apply to the Canadian Pacific Railway Company; and it is hereby enacted that the transfer of shares in the undertaking shall be made only upon the books of the Company in person or by attorney, and shall not be valid unless so made, and the form and mode of transfer shall be such as shall be from time to time regulated by the by-laws of the Company. And the funds of the Company shall not be used in any advance upon the security of any of the shares or stock of the Company.

Advances on, by company, forbidden.

Transfer or transmission to new shareholders subject to veto of directors until completion of contract.

22. The third and fourth sub-sections of said section 22 of "*The Consolidated Railway Act*, 1879," shall be subject to the following provisions, namely, that if before the completion of the Railway and works under the said contract, any transfer should purport to be made of any stock or share in the Company, or any transmission of any share should be effected under the provisions of said sub-section four, to a person not already a shareholder in the Company, and if in the opinion of the Board it should not be expedient that the person (not being already a shareholder) to whom such transfer or transmission shall be made or effected should be accepted as a shareholder, the Directors may, by resolution, veto such transfer or transmission; and thereafter, and until after the completion of the said Railway and works under the said contract, such person shall not be, or be recognized as a shareholder in the Company; and the original shareholder, or his estate, as the case may be, shall remain subject to all the obligations of a shareholder in the Company with all the rights conferred upon a shareholder under this Act.

Proviso: as to transfer by a firm to a partner.

But any firm holding paid-up shares in the Company may transfer the whole or any of such shares to any partner in such firm having already an interest as such partner in such shares, without being subject to such veto.

Note of transfer to be made and for what purpose.

And in the event of such veto being exercised, a note shall be taken of the transfer or transmission so vetoed in order that it may be recorded in the books of the Company after the completion of the Railway and works as aforesaid; but until such completion, the transfer or transmission so vetoed shall not

confer any rights, nor have any effect of any nature or kind whatever as respects the Company.

23. Sub-section sixteen of section nineteen, relating to PRESIDENT AND DIRECTORS, THEIR ELECTION AND DUTIES; sub-section two of section twenty-four, relating to BY-LAWS, NOTICES, &c., sub-sections five and six of section twenty-eight, relating to GENERAL PROVISIONS, and section ninety-seven, relating to RAILWAY FUND, of "*The Consolidated Railway Act*, 1879," shall not, nor shall any of them apply to the Canadian Pacific Railway or the Company hereby incorporated. Certain other provisions of 42 V., c. 9, not to apply.

24. The said Company shall afford all reasonable facilities to the Ontario Pacific Junction Railway Company, when their Railway shall be completed to a point of junction with the Canadian Pacific Railway; and to the Canada Central Railway Company, for the receiving, forwarding and delivering of traffic upon and from the railways of the said Companies, respectively, and for the return of carriages, trucks and other vehicles; and no one of the said Companies shall give or continue any preference or advantage to, or in favor of either of the others, or of any particular description of traffic, in any respect whatsoever; nor shall any one of the said Companies subject any other thereof, or any particular description of traffic, to any prejudice or disadvantage in any respect whatsoever; and any one of the said Companies which shall have any terminus or station near any terminus or station of either of the others, shall afford all reasonable facilities for receiving and forwarding all the traffic arriving by either of the others, without any unreasonable delay, and without any preference or advantage, or prejudice or disadvantage, and so that no obstruction may be offered in the using of such Railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said several Railway Companies; and the said Canadian Pacific Railway Company shall receive and carry all freight and passenger traffic shipped to or from any point on the railway of either of the said above named Railway Companies passing over the Canadian Pacific Railway or any part thereof, at the same mileage rate and subject to the same charges for similar services, without granting or allowing any preference or advantage to the traffic coming from or going upon one of such railways over such traffic coming from or going upon the other of them, reserving, however, to the said Canadian Pacific Railway Company the right of making special rates for purchasers of land, or for emigrants or intending emigrants, which special rates shall not govern or affect the rates of passenger traffic, as between the said Company and the said two above named Companies or either of them. And any

Company to afford reasonable facilities to and from certain other railway companies.

As to rates of carriage of traffic in such cases.

Reservation as to purchasers of land, and emigrants.

Contrary agreements void.

agreement made between any two of the said Companies, contrary to the foregoing provisions, shall be unlawful, null and void.

Company may purchase or acquire by lease or otherwise certain other railways or amalgamate with them.

25. The Company, under the authority of a special general meeting of the shareholders thereof, and as an extension of the railway hereby authorized to be constructed, may purchase or acquire by lease or otherwise and hold and operate, the Canada Central Railway, or may amalgamate therewith, and may purchase or acquire by lease or otherwise and hold and operate a line or lines of railway from the City of Ottawa to any point at navigable water on the Atlantic seaboard or to any intermediate point, or may acquire running powers over any railway now constructed between Ottawa and any such point or intermediate point. And the Company may purchase or acquire any such railway subject to such existing mortgages, charges or liens thereon as shall be agreed upon, and shall possess with regard to any lines of railway so purchased, or acquired, and becoming the property of the Company, the same powers as to the issue of bonds thereon, or on any of them, to an amount not exceeding twenty thousand dollars per mile; and as to the security for such bonds, as are conferred upon the Company by the *twenty-eighth* section hereof, in respect of bonds to be issued upon the Canadian Pacific Railway. But such issue of bonds shall not affect the right of any holder of mortgages or other charges already existing upon any line of railway so purchased or acquired; and the amount of bonds hereby authorized to be issued upon such line of railway shall be diminished by the amount of such existing mortgages or charges thereon.

And borrow to a limited amount on bonds in consequence.

Not to affect prior mortgages.

Company may have docks, &c., and run vessels on any navigable water their railway touches.

26. The Company shall have power and authority to erect and maintain docks, dockyards, wharves, slips and piers at any point on or in connection with the said Canadian Pacific Railway, and at all the termini thereof on navigable water, for the convenience and accommodation of vessels and elevators; and also to acquire, and work elevators, and to acquire, own, hold, charter, work and run, steam and other vessels for cargo and passengers upon any navigable water, which the Canadian Pacific Railway may reach or connect with.

BY-LAWS.

By-laws may provide for certain purposes.

27. The by-laws of the Company may provide for the remuneration of the president and directors of the Company, and of any executive committee of such directors; and for the transfer of stock and shares; the registration and inscription of stocks, shares, and bonds, and the transfer of registered bonds; and the payment of dividends and interest at any place or places within or beyond the limits of Canada; and

for all other matters required by the said contract or by this Act to be regulated by by-laws; but the by-laws of the Company made, as provided by law, shall in no case have any force or effect after the next general meeting of shareholders, which shall be held after the passage of such by-laws, unless they are approved by such meeting.

Must be confirmed at next general meeting.

BONDS.

28. The Company, under the authority of a special general meeting of the shareholders called for the purpose, may issue mortgage bonds to the extent of ten thousand dollars per mile of the Canadian Pacific Railway for the purposes of the undertaking authorized by the present Act; which issue shall constitute a first mortgage and privilege upon the said Railway, constructed or acquired, and to be thereafter constructed or acquired, and upon its property, real and personal, acquired or to be thereafter acquired, including rolling stock and plant, and upon its tolls and revenues (after deduction from such tolls and revenues of working expenses), and upon the franchises of the Company; the whole as shall be declared and described as so mortgaged in any deed of mortgage as hereinafter provided. Provided always, however, that if the Company shall have issued, or shall intend to issue, land grant bonds under the provisions of the thirtieth section hereof, the lands granted and to be granted by the Government to the Company may be excluded from the operation of such mortgage and privilege; and provided also that such mortgage and privilege shall not attach upon any property which the Company are hereby, or by the said contract, authorized to acquire or receive from the Government of Canada until the same shall have been conveyed by the Government to the Company; but shall attach upon such property, if so declared in such deed, as soon as the same shall be conveyed to the Company. And such mortgage and privilege may be evidenced by a deed or deeds of mortgage executed by the Company, with the authority of its shareholders expressed by a resolution passed at such special general meeting; and any such deed may contain such description of the property mortgaged by such deed, and such conditions respecting the payment of the bonds secured thereby and of the interest thereon, and the remedies which shall be enjoyed by the holders of such bonds or by any trustee or trustees for them in default of such payment, and the enforcement of such remedies; and may provide for such forfeitures and penalties, in default of such payment, as may be approved by such meeting; and may also contain, with the approval aforesaid, authority to the trustee or trustees, upon such default, as one of such remedies, to take possession of the railway and property mortgaged and to hold and run the same for the benefit of the bondholders thereof for a time to be limited by such deed, or to sell the

Amount of bonds limited.

Mortgages for securing the same on all the property of the company.

Proviso: in case land grant bonds have been issued under section 30.

Evidence of mortgage and what conditions the bonds may contain.

Remedies of holders in default of payment.

said railway and property, after such delay, and upon such terms and conditions as may be stated in such deed; and with like approval any such deed may contain provisions to the effect that upon such default and upon such other conditions as shall be described in such deed, the right of voting possessed by the shareholders of the Company, and by the holders of preferred stock therein, or by either of them, shall cease and determine, and shall thereafter appertain to the bondholders, or to them and to the holders of the whole or of any part of the preferred stock of the Company as shall be declared by such deed; and such deed may also provide for the conditional or absolute cancellation after such sale of any or all of the shares so deprived of voting power; or of any or all of the preferred stock of the Company, or both; and may also, either directly by its terms, or indirectly by reference to the by-laws of the Company, provide for the mode of enforcing and exercising the powers and authority to be conferred and defined by such deed, under the provisions hereof. And such deed, and the provisions thereof made under the authority hereof, and such other provisions thereof as shall purport (with like approval) to grant such further and other powers and privileges to such trustee or trustees and to such bondholders, as are not contrary to law or to the provisions of this Act, shall be valid and binding. But if any change in the ownership or possession of the said Railway and property shall at any time take place under the provisions hereof, or of any such deed, or in any other manner, the said Railway and property shall continue to be held and operated under the provisions hereof, and of "*The Consolidated Railway Act*, 1879," as hereby modified. And if the Company does not avail itself of the power of issuing bonds secured upon the land grant alone as hereinafter provided, the issue of bonds hereby authorized may be increased to any amount not exceeding twenty thousand dollars per mile of the said Canadian Pacific Railway.

Right of voting may, in such case, be transferred to bondholders.

Cancellation of shares deprived of voting power.

Enforcing conditions.

Further provisions under mortgage deed.

Provision in case of change of ownership, &c., of Railway, in such case.

Increase of borrowing power if no land grant bonds are issued.

29. If any bond issue be made by the Company under the last preceding section before the said Railway is completed according to the said Contract, a proportion of the proceeds of such bonds, or a proportion of such bonds if they be not sold, corresponding to the proportion of the work contracted for then remaining incomplete, shall be received by the Government, and shall be held, dealt with, and, from time to time, paid over by the Government to the Company upon the same conditions, in the same manner and according to the same proportions as the proceeds of the bonds, the issue of which is contemplated by sub-section *d*, of Clause 9 of the said Contract, and by the thirty-first section hereof.

Provision if such bonds are issued before completion of railway.

30. The Company may also issue mortgage bonds to the extent of twenty-five million dollars upon the lands granted in aid of the said Railway and of the undertaking authorized

Provisions as to issue of land grant mortgage bonds.

by this Act; such issue to be made only upon similar authority to that required by this Act for the issue of bonds upon the Railway; and when so made such bonds shall constitute a first mortgage upon such lands, and shall attach upon them when they shall be granted, if they are not actually granted at the time of the issue of such bonds. And such mortgage may be evidenced by a deed or deeds of mortgage to be executed under like authority to the deed securing the issue of bonds on the Railway; and such deed or deeds under like authority may contain similar conditions and may confer upon the trustee or trustees named thereunder and upon the holders of the bonds secured thereby, remedies, authority, power and privileges, and may provide for forfeitures and penalties, similar to those which may be inserted and provided for under the provisions of this Act in any deed securing the issue of bonds on the Railway, together with such other provisions and conditions, not inconsistent with law or with this Act as shall be so authorized. And such bonds may be styled Land Grant Bonds, and they and the proceeds thereof shall be dealt with in the manner provided in the said Contract.

Evidence of mortgage and conditions.

Name of and how dealt with.

31. The Company may in the place and stead of the said land grant bonds, issue bonds under the twenty-eighth section hereof, to such amount as they shall agree with the Government to issue, with the interest guaranteed by the Government as provided for in the said contract; such bonds to constitute a mortgage upon the property of the Company and franchises acquired and to be thereafter acquired—including the main line of the Canadian Pacific Railway, and the branches thereof hereinbefore described, with the plant and rolling stock thereof acquired and to be thereafter acquired, but exclusive of such other branches thereof and of such personal property as shall be excluded by the deed of mortgage to be executed as security for such issue. And the provisions of the said twenty-eighth section shall apply to such issue of bonds, and to the security which may be given for the payment thereof, and they and the proceeds thereof shall be dealt with as hereby and by the said contract provided.

Issue of bonds in place of land grant bonds under agreement with Government.

To include franchise as well as property of company.

Section 28 to apply.

32. It shall not be necessary to affix the seal of the Company to any mortgage bond issued under the authority of this Act; and every such bond issued without such seal shall have the same force and effect, and be held, treated and dealt with by all courts of law and of equity as if it were sealed with the seal of the Company. And if it is provided by the mortgage deed executed to secure the issue of any bonds, that any of the signatures to such bonds or to the coupons thereto appended may be engraved, stamped or lithographed thereon, such engraved, stamped or lithographed signatures shall be valid and binding on the Company.

Facilities for issue of mortgage bonds as to seal and signatures.

"Working expenses" defined.

33. The phrase "working expenses" shall mean and include all expenses of maintenance of the Railway, and of the stations, buildings, works and conveniencies belonging thereto, and of the rolling and other stock and moveable plant used in the working thereof, and also all such tolls, rents or annual sums as may be paid in respect of the hire of engines, carriages or wagons let to the Company; also, all rent, charges or interest on the purchase money of lands belonging to the Company, purchased but not paid for, or not fully paid for; and also all expenses of and incidental to, working the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accidents or losses; also, all salaries and wages of persons employed in and about the working of the Railway and traffic and all office and management expenses, including Directors' fees, agency, legal and other like expenses.

Currency on which bonds may be issued.

Price and conditions of sale.

May be exchanged for inscribed stock, &c.

34. The bonds authorized by this Act to be issued upon the Railway or upon the lands to be granted to the Company, or both, may be so issued in whole or in part in the denomination of dollars, pounds sterling, or francs, or in any or all of them, and the coupons may be for payment in denominations similar to those of the bond to which they are attached. And the whole or any of such bonds, may be pledged, negotiated or sold upon such conditions and at such price as the Board of Directors shall from time to time determine. And provision may be made by the by-laws of the Company, that after the issue of any bond, the same may be surrendered to the Company by the holder thereof, and the Company may, in exchange therefor, issue to such holder inscribed stock of the Company, which inscribed stock may be registered or inscribed at the chief place of business of the Company or elsewhere, in such manner, with such rights, liens, privileges and preferences, at such place, and upon such conditions as shall be provided by the by-laws of the Company.

Bonds need not be registered.

Mortgage deed how deposited.

And agreements under s. 36.

Certified copies.

35. It shall not be necessary, in order to preserve the priority, lien, charge, mortgage or privilege, purporting to appertain to or be created by any bond issued or mortgage deed executed under the provisions of this Act, that such bond or deed should be enregistered in any manner, or in any place whatever. But every such mortgage deed shall be deposited in the office of the Secretary of State: of which deposit notice shall be given in the *Canada Gazette*. And in like manner any agreement entered into by the Company, under section thirty-six of this Act, shall also be deposited in the said office. And a copy of any such mortgage deed, or agreement, certified to be a true copy by the Secretary of State or his Deputy, shall be received as *primâ facie* evidence of the original in all courts of justice, without proof of the signatures or seal upon such original.

36. If, at any time, any agreement be made by the Company with any persons intending to become bondholders of the Company, or be contained in any mortgage deed executed under the authority of this Act, restricting the issue of bonds by the Company, under the powers conferred by this Act, or defining or limiting the mode of exercising such powers, the Company, after the deposit thereof with the Secretary of State as hereinbefore provided, shall not act upon such powers otherwise than as defined, restricted and limited by such agreement. And no bond thereafter issued by the Company, and no order, resolution or proceeding thereafter made, passed or had by the Company, or by the Board of Directors, contrary to the terms of such agreement, shall be valid or effectual.

Agreement with bondholders, &c., for restricting issues.

Effect thereof.

37. The Company may, from time to time, issue guaranteed or preferred stock, at such price, to such amount, not exceeding ten thousand dollars per mile, and upon such conditions as to the preferences and privileges appertaining thereto, or to different issues of classes thereof, and otherwise, as shall be authorized by the majority in value of the shareholders present in person or represented by proxy at any annual meeting or at any special general meeting thereof called for the purpose, notice of the intention to propose such issue at such meeting being given in the notice calling such meeting. But the guarantee or preference accorded to such stock shall not interfere with the lien, mortgage and privilege attaching to bonds issued under the authority of this Act. And the holders of such preferred stock shall have such power of voting at meetings of shareholders, as shall be conferred upon them by the by-laws of the Company.

Company may issue guaranteed or preferred stock to a limited amount.

Not to affect privileges of bondholders.

Voting.

EXECUTION OF AGREEMENTS.

38. Every contract, agreement, engagement, scrip certificate or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such bill, note, cheque, contract, agreement, engagement, bargain, or scrip certificate, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the Company be subjected individually to any liability, whatsoever, to any third party therefor; Provided always, that nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as

Contracts, bills, &c, by its agents to bind the company.

Proof thereof.

Non-liability of such agent.

Proviso: as to notes.

the note of a bank, or to engage in the business of banking or insurance.

GENERAL PROVISIONS.

Reports to Government.

39.. The Company shall, from time to time, furnish such reports of the progress of the work, with such details and plans of the work, as the Government may require.

Publication of notices.

40. As respects places not within any Province, any notice required by "*The Consolidated Railway Act*, 1879," to be given in the "Official Gazette" of a Province, may be given in the *Canada Gazette*.

Form of deeds, &c., to the company.

41. Deeds and conveyances of lands to the Company for the purposes of this Act (not being letters patent from the Crown), may, in so far as circumstances will admit, be in the form following, that is to say :—

Form.

"Know all men by these presents, that I, A. B., in consideration of paid to me by the Canadian Pacific Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said the Canadian Pacific Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

"Witness my hand and seal, this day of one thousand eight hundred and

"Signed, sealed and delivered in presence of } A. B. [L.S.]

"C. D.

"E. F."

Obligation of the grantor.

or in any other form to the like effect. And in every deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same the obligation of guaranteeing the Company and its assigns against all dower and claim for dower and against all hypothecs and mortgages and against all liens and charges whatsoever, and also that he has a good, valid and transferable title thereto.

"Letters Patent incorporating the Canadian Pacific Railway Company."

GOVERNMENT HOUSE,

OTTAWA, 16th day of February, 1881.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Right Honorable Sir John A. Macdonald, and in accordance with the Act of Parliament of Canada, passed on the 15th day of February, 1881, intituled: "An Act respecting the Canadian Pacific Railway Company",—

His Excellency has been pleased to order and it is hereby ordered, that Letters Patent under the Great Seal of Canada be issued incorporating "The Canadian Pacific Railway Company,"—such Letters Patent to be as follows:—

CANADA.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith, etc., etc.

To all to whom these presents shall come, or whom the same may in anywise concern,

GREETING:

WHEREAS, George Stephen, of the City of Montreal, in the Province of Quebec and Dominion of Canada, Esquire; Duncan McIntyre, of the same place, Merchant; John S. Kennedy, of the City of New York, in the State of New York, one of the United States of America; Richard B. Angus, of the City of St. Paul, in the State of Minnesota, one of the United States of America; and James J. Hill, of the same place; the firm of Morton, Rose and Company, of the City of London, in England, Merchants, and the firm of Kohn Reinach and Company, of the City of Paris, in France, Bankers, on or about the twenty-first day of October, in the year of Our Lord one thousand eight hundred and eighty, duly entered into a contract and agreement with Us represented and acting by the Honorable Sir Charles Tupper, K.C.M.G., our Minister of Railways and Canals of Canada, which contract and agreement is in the words and figures following, viz.:

THIS CONTRACT AND AGREEMENT MADE BETWEEN HER MAJESTY THE QUEN, acting in respect of the Dominion of Canada, and herein represented and acting by the Honorable Sir CHARLES TUPPER, K.C.M.G., Minister of Railways and Canals, and George Stephen and Duncan McIntyre, of Montreal, in Canada, John S. Kennedy of New York, in the State of New York, Richard B. Angus and James J. Hill, of St. Paul, in the State of Minnesota, Morton, Rose & Co., of London, England, and Kohn Reinach & Co., of Paris, France.

Witnesses:

That the parties hereto have contracted and agreed with each other as follows, namely :—

1. For the better interpretation of this contract, it is hereby declared that the portion of Railway hereinafter called the Eastern section, shall comprise that part of the Canadian Pacific Railway to be constructed, extending from the Western terminus of the Canada Central Railway, near the East end of Lake Nipissing, known as Callander Station, to a point of junction with that portion of the said Canadian Pacific Railway now in course of construction extending from Lake Superior to Selkirk on the East side of Red River; which latter portion is hereinafter called the Lake Superior section. That the portion of said Railway, now partially in course of construction, extending from Selkirk to Kamloops, is hereinafter called the Central section; and the portion of said Railway now in course of construction, extending from Kamloops to Port Moody, is hereinafter called the Western section. And that the words "the Canadian Pacific Railway," are intended to mean the entire Railway, as described in the Act 37th Victoria, cap. 14. The individual parties hereto, are hereinafter described as the Company; and the Government of Canada is hereinafter called the Government.

2. The contractors immediately after the organization of the said Company, shall deposit with the Government $1,000,000 in cash or approved securities, as a security for the construction of the Railway hereby contracted for. The Government shall pay to the Company interest on the cash deposited at the rate of four per cent. per annum, half-yearly, and shall pay over to the Company the interest received upon securities deposited, the whole until default in the performance of the conditions hereof, or until the repayment of the deposit, and shall return the deposit to the Company on the completion of the Railway, according to the terms hereof, with any interest accrued thereon.

3. The Company shall lay out, construct and equip the said Eastern section, and the said Central section, of a uniform

gauge of 4 feet 8½ inches; and in order to establish an approximate standard whereby the quality and the character of the Railway and of the materials used in the construction thereof, and of the equipment thereof may be regulated, the Union Pacific Railway of the United States as the same was when first constructed, is hereby selected and fixed as such standard. And if the Government and the Company should be unable to agree as to whether or not any work done or materials furnished under this contract are in fair conformity with such standard, or as to any other question of fact, excluding questions of law, the subject of disagreement shall be from time to time referred to the determination of three referees, one of whom shall be chosen by the Government, one by the Company, and one by the two referees so chosen, and such referees shall decide as to the party by whom the expense of such reference shall be defrayed. And if such two referees should be unable to agree upon a third referee, he shall be appointed at the instance of either party thereto, after notice to the other, by the Chief Justice of the Supreme Court of Canada. And the decision of such referees, or of the majority of them, shall be final.

4. The work of construction shall be commenced at the eastern extremity of the Eastern section not later than the first day of July next, and the work upon the Central section shall be commenced by the Company at such point towards the eastern end thereof on the portion of the line now under construction as shall be found convenient and as shall be approved by the Government, at a date not later than the 1st May next. And the work upon the Eastern and Central sections, shall be vigorously and continuously carried on at such rate of annual progress on each section as shall enable the Company to complete and equip the same and each of them, in running order, on or before the 1st day of May, 1891, by which date the Company hereby agree to complete and equip the said sections in conformity with this contract, unless prevented by the Act of God, the Queen's enemies, intestine disturbances, epidemics, floods, or other causes beyond the control of the Company. And in case of the interruption or obstruction of the work of construction from any of the said causes, the time fixed for the completion of the Railway shall be extended for a corresponding period.

5. The Company shall pay to the Government the cost, according to the contract, of the portion of railway, 100 miles in length, extending from the city of Winnipeg westward, up to the time at which the work was taken out of the hands of the contractor and the expenses since incurred by the Government in the work of construction, but shall have the right to assume the said work at any time and complete the same, paying the cost of construction as aforesaid so far as the same shall then have been incurred by the Government.

6. Unless prevented by the act of God, the Queen's enemies, intestine disturbances, epidemics, floods or other causes beyond the control of the Government, the Government shall cause to be completed the said Lake Superior section, by the dates fixed by the existing contracts for the construction thereof, and shall also cause to be completed the portion of the said Western section now under contract, namely, from Kamloops to Yale, within the period fixed by the contracts therefor, namely, by the thirteenth day of June, 1885; and shall also cause to be completed, on or before the first day of May, 1891, the remaining portion of the said Western section, lying between Yale and Port Moody, which shall be constructed of equally good quality in every respect with the standard hereby created for the portion hereby contracted for. And the said Lake Superior section, and the portions of the said Western section now under contract, shall be completed as nearly as practicable according to the specifications and conditions of the contracts therefor, except in so far as the same have been modified by the Government prior to this contract.

7. The Railway constructed under the terms hereof shall be the property of the Company: and pending the completion of the Eastern and Central sections, the Government shall transfer to the Company the possession and right to work and run the several portions of the Canadian Pacific Railway already constructed or as the same shall be completed. And upon the completion of the Eastern and Central sections, the Government shall convey to the Company, with a suitable number of station buildings and with water service (but without equipment), those portions of the Canadian Pacific Railway constructed or to be constructed by the Government which shall then be completed; and upon completion of the remainder of the portion of the railway to be constructed by the Government, that portion shall also be conveyed to the Company, and the Canadian Pacific Railway shall become and be thereafter the absolute property of the Company. And the Company shall thereafter and forever efficiently maintain, work and run the Canadian Pacific Railway.

8. Upon the reception from the Government of the possession of each of the respective portions of the Canadian Pacific Railway, the Company shall equip the same in conformity with the standard herein established for the equipment of the sections hereby contracted for, and shall thereafter maintain and efficiently operate the same.

9. In consideration of the premises, the Government agree to grant to the Company a subsidy in money of $25,000,000, and in land of 25,000,000 acres, for which subsidies the construction of the Canadian Pacific Railway shall be completed

and the same shall be equipped, maintained and operated, the said subsidies respectively to be paid and granted as the work of construction shall proceed, in manner and upon the conditions following, that is to say:

a. The said subsidy in money is hereby divided and appropriated as follows, namely:—

CENTRAL SECTION.

Assumed at 1,350 miles—		
1st.—900 miles, at $10,000 per mile.....	$ 9,000,000	
2nd.—450 " " 13,333 " "	6,000,000	
		$15,000,000

EASTERN SECTION.

Assumed at 650 miles, subsidy equal to $15,384.61 per mile	10,000,000
	$25,000,000

And the said subsidy in land is hereby divided and appropriated as follows, subject to the reserve hereinafter provided for.

CENTRAL SECTION.

1st.—900 miles, at 12,500 acres per mile.	11,250,000	
2nd.—450 " " 16,666.66 " "	7,500,000	
		18,750,000

EASTERN SECTION.

assumed at 650 miles, subsidy equal to 9,615.35 acres per mile	6,250,000
	25,000,000

b. Upon the construction of any portion of the railway hereby contracted for, not less than 20 miles in length, and the completion thereof so as to admit of the running of regular trains thereon, together with such equipment thereof as shall be required for the traffic thereon, the Government shall pay and grant to the Company the money and land subsidies applicable thereto, according to the division and appropriation thereof made as hereinbefore provided; the Company having the option of receiving in lieu of cash, terminable bonds of the Government, bearing such rate of interest for such period and nominal amount as may be arranged, and which may be equivalent according to actuarial calculation to the corresponding cash payment, the Government allowing four per cent. interest on moneys deposited with them.

c. If at any time the Company shall cause to be delivered on or near the line of the said Railway, at a place satisfactory to the Government, steel rails and fastenings to be used in the construction of the Railway, but in advance of the

requirements for such construction, the Government, on the requisition of the Company, shall, upon such terms and conditions as shall be determined by the Government, advance thereon three-fourths of the value thereof at the place of delivery. And a proportion of the amount so advanced shall be deducted according to such terms and conditions from the subsidy to be thereafter paid, upon the settlement for each section of 20 miles of railway, which proportion shall correspond with the proportion of such rails and fastenings which have been used in the construction of such sections.

d. Until the first day of January, 1882, the Company shall have the option, instead of issuing land grant bonds as hereinafter provided, of substituting the payment by the Government of the interest (or part of the interest) on bonds of the Company mortgaging the railway and the lands to be granted by the Government, running over such term of years as may be approved by the Governor in Council, in lieu of the cash subsidy hereby agreed to be granted to the Company or any part thereof; such payments of interest to be equivalent according to actuarial calculation to the corresponding cash. payment, the Government allowing four per cent. interest on moneys deposited with them; and the coupons representing the interest on such bonds shall be guaranteed by the Government to the extent of such equivalent. And the proceeds of the sale of such bonds to the extent of not more than $25,000,000, shall be deposited with the Government, and the balance of such proceeds shall be placed elsewhere by the Company, to the satisfaction and under the exclusive control of the Government; failing which last condition the bonds in excess of those sold shall remain in the hands of the Government. And from time to time, as the work proceeds, the Government shall pay over to the Company: firstly, out of the amount so to be placed by the Company,—and, after the expenditure of that amount, out of the amount deposited with the Government,—sums of money bearing the same proportion to the mileage cash subsidy hereby agreed upon, which the net proceeds of such sale (if the whole of such bonds are sold upon the issue thereof) or, if such bonds be not all then sold, the net proceeds of the issue, calculated at the rate at which the sale of part of them shall have been made, shall bear to the sum of $25,000,000. But if only a portion of the bond issue be sold, the amount earned by the Company according to the proportion aforesaid, shall be paid to the Company, partly out of the bonds in the hands of the Government, and partly out of the cash deposited with the Government, in similar proportions to the amount of such bonds sold and remaining unsold respectively; and the Company shall receive the bonds so paid as cash at the rate at which the said partial sale thereof shall have been made. And the Government will receive and hold such sum of money towards the

creation of a sinking fund for the redemption of such bonds, and upon such terms and conditions, as shall be agreed upon between the Government and the Company.

e. If the Company avail themselves of the option granted by clause *d*, the sum of $2,000 per mile for the first eight hundred miles of the Central section shall be deducted *pro rata* from the amount payable to the Company in respect of the said eight hundred miles, and shall be appropriated to increase the mileage cash subsidy appropriated to the remainder of the said Central section.

10. In further consideration of the premises, the Government shall also grant to the Company the lands required for the road-bed of the railway, and for its stations, station grounds, workshops, dock ground and water frontage at the termini on navigable waters, buildings. yards and other appurtenances required for the convenient and effectual construction and working of the railway, in so far as such land shall be vested in the Government. And the Government shall also permit the admission free of duty, of all steel rails, fish plates and other fastenings, spikes, bolts and nuts, wire, timber and all material for bridges, to be used in the original construction of the railway, and of a telegraph line in connection therewith, and all telegraphic apparatus required for the first equipment of such telegraph line; and will convey to the Company at cost price, with interest, all rails and fastenings bought in or since the year 1879, and other materials for construction in the possession of or purchased by the Government, at a valuation; such rails, fastenings and materials not being required by it for the construction of the said Lake Superior and Western sections.

11. The grant of land hereby agreed to be made to the Company, shall be so made in alternate sections of 640 acres each, extending back 24 miles deep, on each side of the railway, from Winnipeg to Jasper House, in so far as such lands shall be vested in the Government, the Company receiving the sections bearing uneven numbers. But should any of such sections consist in a material degree of land not fairly fit for settlement, the Company shall not be obliged to receive them as part of such grant, and the deficiency thereby caused, and any further deficiency which may arise from the insufficient quantity of land along the said portion of railway, to complete the said 25,000,000 acres, or from the prevalence of lakes and water stretches in the sections granted (which lakes and water stretches shall not be computed in the acreage of such sections), shall be made up from other portions in the tract known as the fertile belt, that is to say, the land lying between parallels 49 and 57 degrees of north latitude, or elsewhere, at the option of the Company, by the

grant therein of similar alternate sections extending back 24 miles deep on each side of any branch line or lines of railway to be located by the Company, and to be shown on a map or plan thereof deposited with the Minister of Railways ; or of any common front line or lines agreed upon between the Government and the Company, the conditions hereinbefore stated as to lands not fairly fit for settlement to be applicable to such additional grants. And the Company may, with the consent of the Government, select in the North-West Territories any tract or tracts of land not taken up as a means of supplying or partially supplying such deficiency. But such grants shall be made only from lands remaining vested in the Government.

12. The Government shall extinguish the Indian title affecting the lands herein appropriated, and to be hereafter granted in aid of the railway.

13. The Company shall have the right, subject to the approval of the Governor in Council, to lay out and locate the line of the railway hereby contracted for, as they may see fit, preserving the following terminal points, namely: From Callander station to the point of junction with the Lake Superior section; and from Selkirk to the junction with the western section at Kamloops by way of the Yellow Head Pass.

14. The Company shall have the right, from time to time, to lay out, construct, equip, maintain and work branch lines of railway from any point or points along their main line of railway, to any point or points within the territory of the Dominion. Provided always, that before commencing any branch they shall first deposit a map and plan of such branch in the Department of Railways. And the Government shall grant to the Company the lands required for the road-bed of such branches, and for the station, station-grounds, buildings, workshops, yards and other appurtenances requisite for the efficient construction and working of such branches, in so far as such lands are vested in the Government.

15. For 20 years from the date hereof, no line of railway shall be authorized by the Dominion Parliament to be constructed south of the Canadian Pacific Railway, from any point at or near the Canadian Pacific Railway except such line as shall run South-West, or to the Westward of South-West; nor to within fifteen miles of latitude 49. And in the establishment of any new Province in the North-West Territories, provision shall be made for continuing such prohibition after such establishment until the expiration of the said period.

16. The Canadian Pacific Railway, and all stations and station grounds, workshops, buildings, yards and other property, rolling stock and appurtenances required and used for the construction and working thereof, and the capital stock of the Company, shall be forever free from taxation by the Dominion, or by any Province hereafter to be established, or by any Municipal Corporation therein ; and the lands of the Company, in the North-West Territories, until they are either sold or occupied, shall also be free from such taxation for 20 years after the grant thereof from the Crown.

17. The Company shall be authorized by their Act of incorporation to issue bonds, secured upon land granted and to be granted to the Company, containing provisions for the use of such bonds in the acquisition of lands, and such other conditions as the Company shall see fit, such issue to be for $25,000,000. And should the Company make such issue of land grant bonds, then they shall deposit them in the hands of the Government ; and the Government shall retain and hold one-fifth of such bonds as security for the due performance of the present contract in respect of the maintenance and continuous working of the railway by the Company, as herein agreed, for ten years after the completion thereof, and the remaining $20,000,000 of such bonds shall be dealt with as hereinafter provided And as to the said one-fifth of the said bonds, so long as no default shall occur in the maintenance and working of the said Canadian Pacific Railway, the Government shall not present or demand payment of the coupons of such bonds, nor require payment of any interest thereon. And if any of such bonds so to be retained by the Government shall be paid off in the manner to be provided for the extinction of the whole issue thereof, the Government shall hold the amount received in payment thereof as security for the same purposes as the bonds so paid off, paying interest thereon at four per cent. per annum so long as default is not made by the Company in the performance of the conditions hereof. And at the end of the said period of ten years from the completion of the said railway, if no default shall then have occurred in such maintenance and working thereof, the said bonds, or if any of them shall then have been paid off, the remainder of said bonds and the money received for those paid off, with accrued interest, shall be delivered back by the Government to the Company with all the coupons attached to such bonds. But, if such default should occur, the Government may thereafter require payment of interest on the bonds so held, and shall not be obliged to continue to pay interest on the money representing bonds paid off ; and while the Government shall retain the right to hold the said portion of the said land grant bonds, other securities satisfactory to the Government may be substituted for them by the Company by agreement with the Government.

18. If the Company shall find it necessary or expedient to sell the remaining $20,000,000 of the land grant bonds or a larger portion thereof than in the proportion of one dollar for each acre of land then earned by the Company, they shall be allowed to do so, but the proceeds thereof, over and above the amount to which the Company shall be entitled as herein provided, shall be deposited with the Government. And the Government shall pay interest upon such deposit half-yearly, at the rate of four per cent. per annum, and shall pay over the amount of such deposit to the Company from time to time as the work proceeds, in the same proportions, and at the same times and upon the same conditions as the land grant—that is to say: the Company shall be entitled to receive from the Government out of the proceeds of the said land grant bonds, the same number of dollars as the number of acres of the land subsidy which shall then have been earned by them, less one-fifth thereof, that is to say, if the bonds are sold at par, but if they are sold at less than par, then a deduction shall be made therefrom corresponding to the discount at which such bonds are sold. And such land grant shall be conveyed to them by the Government, subject to the charge created as security for the said land grant bonds, and shall remain subject to such charge till relieved thereof in such manner as shall be provided for at the time of the issue of such bonds.

19. The Company shall pay any expenses which shall be incurred by the Government in carrying out the provisions of the two last preceding clauses of this contract.

20. If the Company should not issue such land grant bonds, then the Government shall retain from out of each grant to be made from time to time, every fifth section of the lands hereby agreed to be granted, such lands to be so retained as security for the purposes, and for the length of time, mentioned in section eighteen hereof. And such lands may be sold in such manner and at such prices as shall be agreed upon between the Government and the Company, and in that case the price thereof shall be paid to, and held by, the Government for the same period, and the same purposes as the land itself, the Government paying four per cent. per annum interest thereon. And other securities satisfactory to the Government may be substituted for such lands or money by agreement with the Government.

. The Company to be incorporated, with sufficient powers to enable them to carry out the foregoing contract, and this contract shall only be binding in the event of an Act of incorporation being granted to the Company in the form hereto appended as Schedule A.

22. The Railway Act of 1879, in so far as the provisions of the same are applicable to the undertaking referred to in this contract, and in so far as they are not inconsistent herewith or inconsistent with or contrary to the provisions of the Act of incorporation to be granted to the Company, shall apply to the Canadian Pacific Railway.

In witness whereof the parties hereto have executed these presents at the City of Ottawa, this twenty-first day of October, 1880.

(Signed) CHARLES TUPPER,
Minister of Railways and Canals.
" GEO. STEPHEN,
" DUNCAN McINTYRE,
" J. S. KENNEDY,
" R. B. ANGUS,
" J. J. HILL,
Per pro. Geo. Stephen.
" MORTON, ROSE & Co.,
" KOHN, REINACH & Co.,
By P. Du P. Grenfell.

Signed in presence of F. BRAUN, and Seal of the Department hereto affixed by Sir CHARLES TUPPER, in presence of

(Signed) F. BRAUN.

And whereas the Schedule A to the said contract, is set out in an Act of our Parliament of Canada, passed on the FIFTEENTH day of FEBRUARY, in the year of Our Lord one thousand eight hundred and eighty-one, and in the forty-fourth year of our reign, intituled: "An Act respecting the Canadian Pacific Railway;" and whereas by the said Act after reciting as follows, viz:

"Whereas by the terms and conditions of the admission of "British Columbia into Union with the Dominion of Canada, "the Government of the Dominion has assumed the obliga- "tion of causing a Railway to be constructed, connecting "the sea-board of British Columbia with the Railway system "of Canada;

"And whereas the Parliament of Canada has repeatedly "declared a preference for the construction and operation of "such railway by means of an incorporated Company aided "by grants of money and land, rather than by the Govern- "ment, and certain Statutes have been passed to enable "that course to be followed, but the enactments therein con- "tained have not been effectual for that purpose;

"And whereas certain sections of the said Railway have "been constructed by the Government and others are in "course of construction, but the greater portion of the main "line thereof has not yet been commenced or placed under "contract, and it is necessary for the development of the "North-West Territory, and for the preservation of the good "faith of the Government in the performance of its obliga- "tions, that immediate steps should be taken to complete and "operate the whole of the said Railway;

"And whereas, in conformity with the expressed desire of "Parliament, a contract has been entered into for the construc- "tion of the said portion of the main line of the said Rail- "way, and for the permanent working of the whole line "thereof, which contract with the schedule annexed has been "laid before Parliament for its approval and a copy thereof "is appended hereto, and it is expedient to approve and "ratify the said contract, and to make provision for the "carrying out of the same;" the said contract and agreement with the said Schedule A thereto was approved and ratified, and WE were authorized to perform and carry out the conditions thereof according to their purport; and for the purpose of incorporating the persons mentioned in the said contract, and those who shall be associated with them in the undertaking, and of granting to them the powers necessary to enable them to carry out the said contract according to the terms thereof, it was enacted that our Governor-General of Canada might grant to them, in conformity with the said contract under the corporate name of the Canadian Pacific Railway Company, a charter conferring upon them the franchises, privileges and powers embodied in the said schedule to the said contract; and that such charter being published in the *Canada Gazette* with any Order or Orders in Council relating to it, should have force and effect as if it were an Act of our Parliament of Canada, and should be and be held to be an Act of incorporation within the meaning of the said contract;

And whereas the said persons have prayed for a charter for the purpose aforesaid;

1. NOW KNOW YE, that, by and with the advice of our Privy Council for Canada, and under the authority of the hereinbefore in part recited Act, and of any other power and authority whatsoever in US vested in this behalf, WE DO, by these our Letters Patent, grant, order, declare and provide that the said George Stephen, Duncan McIntyre, John S. Kennedy, Richard B. Angus, James J. Hill, the firm of Morton, Rose & Company, and the firm of Kohn, Reinach & Company; with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and they are hereby constituted a body corporate and politic, by the name of the "Canadian Pacific Railway Company."

2. The capital stock of the Company shall be twenty-five million dollars divided into shares of one hundred dollars each, which shares shall be transferable in such manner and upon such conditions as shall be provided by the by-laws of the Company; and such shares, or any part thereof, may be granted and issued as paid-up shares for value *bonâ fide* received by the Company, either in money at par or at such price and upon such conditions as the Board of Directors may fix; or as part of the consideration of any contract made by the Company.

3. As soon as five million dollars of the stock of the Company have been subscribed, and thirty per centum thereof paid up, and upon the deposit with our Minister of Finance of Canada of one million dollars in money or in securities approved by our Governor General in Council, for the purpose and upon the conditions in the said contract provided, the said contract shall become and be transferred to the Company, without the execution of any deed or instrument in that behalf; and the Company shall, thereupon, become and be vested with all the rights of the contractors named in the said contract, and shall be subject to, and liable for, all their duties and obligations, to the same extent and in the same manner as if the said contract had been executed by the said Company instead of by the said contractors; and thereupon the said contractors, as individuals, shall cease to have any right or interest in the said contract, and shall not be subject to any liability or responsibility under the terms thereof otherwise than as members of the corporation hereby created. And upon the performance of the said conditions respecting the subscription of stock, the partial payment thereof, and the deposit of one million dollars to the satisfaction of our Governor General in Council, the publication by our Secretary of State of Canada in the *Canada Gazette*, of a notice that the transfer of the contract to the Company has been effected and completed shall be conclusive proof of the fact. And the Company shall cause to be paid up, on or before the first day of May next, a further instalment of twenty per centum upon the said first subscription of five million dollars, of which call thirty days' notice by circular mailed to each shareholder shall be sufficient. And the Company shall call in, and cause to be paid up, on or before the 31st day of December, 1882, the remainder of the said first subscription of five million dollars.

4. All the franchises and powers necessary or useful to the Company to enable them to carry out, perform, enforce, use, and avail themselves of, every condition, stipulation, obligation, duty, right, remedy, privilege, and advantage agreed upon, contained or described in the said contract, are hereby conferred upon the Company. And the enactment of special provisions hereinafter contained shall not be held

to impair or derogate from the generality of the franchises and powers so hereby conferred upon them.

DIRECTORS.

5. The said George Stephen, Duncan McIntyre, John S. Kennedy, Richard B. Angus, James J. Hill, Henry Stafford Northcote, of London, aforesaid, Esquires, Pascoe du P. Grenfell, of London, aforesaid, Merchant, Charles Day Rose, of London, aforesaid, Merchant, and Baron J. de Reinach, of Paris, aforesaid, Banker, are hereby constituted the first Directors of the Company, with power to add to their number, but so that the Directors shall not in all exceed fifteen in number; and the majority of the Directors, of whom the President shall be one, shall be British subjects. And the Board of Directors so constituted shall have all the powers hereby conferred upon the Directors of the Company, and they shall hold office until the first annual meeting of the shareholders of the Company.

6. Each of the Directors of the Company, hereby appointed or hereafter appointed or elected, shall hold at least two hundred and fifty shares of the stock of the Company. But the number of Directors to be hereafter elected by the shareholders shall be such, not exceeding fifteen, as shall be fixed by by-law, and subject to the same conditions as the Directors appointed by, or under the authority of, the last preceding section; the number thereof may be hereafter altered from time to time in like manner. The votes for their election shall be by ballot.

7. A majority of the Directors shall form a quorum of the Board; and until otherwise provided by by-law, Directors may vote and act by proxy, such proxy to be held by a Director only; but no Director shall hold more than two proxies, and no meeting of Directors shall be competent to transact business unless at least three Directors are present thereat in person, the remaining number of Directors required to form a quorum being represented by proxies.

8 The Board of Directors may appoint from out of their number an Executive Committee, composed of at least three Directors, for the transaction of the ordinary business of the Company, with such powers and duties as shall be fixed by the by-laws; and the President shall be *ex-officio* a member of such committee.

9. The chief place of business of the Company shall be at the City of Montreal, but the Company may, from time to time, by by-law, appoint and fix other places within or beyond the limits of Canada, at which the business of the Company may be transacted, and at which the Directors, or

shareholders may meet, when called as shall be determined by the by-laws. And the Company shall appoint and fix by by-law, at least one place in each Province or Territory through which the Railway shall pass, where service of process may be made upon the Company, in respect of any cause of action arising within such Province or Territory, and may afterwards from time to time, change such place by by-law. And a copy of any by-law fixing or changing any such place, duly authenticated as herein provided, shall be deposited by the Company in the office, at the seat of Government of the Province or Territory to which such by-law shall apply, of the Clerk or Prothonotary of the highest, or one of the highest, courts of civil jurisdiction of such Province or Territory. And if any cause of action shall arise against the Company within any Province or Territory, and any writ or process be issued against the Company thereon out of any court in such Province or Territory, service of such process may be validly made upon the Company at the place within such Province or Territory so appointed and fixed; but if the Company fail to appoint and fix such place, or to deposit, as hereinbefore provided, the by-law made in that behalf, any such process may be validly served upon the Company, at any of the stations of the said Railway within such Province or Territory.

SHAREHOLDERS.

10. The first annual meeting of the shareholders of the Company, for the appointment of Directors, shall be held on the second Wednesday in May, 1882, at the principal office of the Company, in Montreal; and the annual general meeting of shareholders, for the election of Directors and the transaction of business generally, shall be held on the same day in each year thereafter at the same place unless otherwise provided by the by-laws. And notice of each of such meetings shall be given by the publication thereof in the *Canada Gazette* for four weeks, and by such further means as shall from time to time be directed by the by-laws.

11. Special general meetings of the shareholders may be convened in such manner as shall be provided by the by-laws. And except as hereinafter provided, notice of such meetings shall be given in the same manner as notices of annual general meetings, the purpose for which such meeting is called being mentioned in the notices thereof; and, except as hereinafter provided, all such meetings shall be held at the chief place of business of the Company.

12. If at any time before the first annual meeting of the shareholders of the Company, it should become expedient that a meeting of the Directors of the Company, or a special general meeting of the shareholders of the Company, should

be held, before such meeting can conveniently be called, and notice thereof given in the manner provided by this Act, or by the by-laws, or before by-laws in that behalf have been passed, and at a place other than at the chief place of business of the Company in Montreal before the enactment of a by-law authorizing the holding of such meeting elsewhere; it shall be lawful for the President or for any three of the Directors of the Company to call special meetings either of directors or of shareholders, or of both, to be held at the City of London in England, at times and places respectively, to be stated in the notices to be given of such meetings respectively. And notices of such meetings may be validly given by a circular mailed to the ordinary address of each director or shareholder as the case may be, in time to enable him to attend such meeting, stating in general terms the purpose of the intended meeting. And in the case of a meeting of shareholders, the proceedings of such meeting shall be held to be valid and sufficient, and to be binding on the Company in all respects, if every shareholder of the Company be present thereat in person or by proxy, notwithstanding that notice of such meeting shall not have been given in the manner required by this Act.

13. No shareholder holding shares upon which any call is overdue and unpaid shall vote at any meeting of shareholders. And unless otherwise provided by the by-laws, the person holding the proxy of a shareholder shall be himself a shareholder.

14. No call upon unpaid shares shall be made for more than twenty per centum upon the amount thereof.

RAILWAY AND TELEGRAPH LINES.

15. The Company may lay out, construct, acquire, equip, maintain and work a continuous line of railway, of the gauge of four feet eight and one-half inches; which railway shall extend from the terminus of the Canada Central Railway near Lake Nipissing, known as Callander Station, to Port Moody in the Province of British Columbia; and also, a branch line of railway from some point on the main line of railway to Fort William on Thunder Bay; and also the existing branch line of railway from Selkirk, in the Province of Manitoba, to Pembina, in the said Province; and also other branches to be located by the Company from time to time as provided by the said contract; the said branches to be of the gauge aforesaid; and the said main line of railway, and the said branch lines of railway, shall be commenced and completed as provided by the said contract; and together with such other branch lines as shall be hereafter constructed by the said Company, and any extension of the said main line of railway that shall hereafter be constructed or acquired

by the Company, shall constitute the line of railway hereinafter called THE CANADIAN PACIFIC RAILWAY.

16. The Company may construct, maintain and work a continuous telegraph line and telephone lines throughout and along the whole line of the Canadian Pacific Railway, or any part thereof, and may also construct or acquire by purchase, lease or otherwise, any other line or lines of telegraph connecting with the line so to be constructed along the line of the said Railway, and may undertake the transmission of messages for the public by any such line or lines of telegraph or telephone, and collect tolls for so doing; or may lease such line or lines of telegraph or telephone, or any portion thereof; and, if they think proper to undertake the transmission of messages for hire, they shall be subject to the provisions of the fourteenth, fifteenth and sixteenth sections of chapter sixty-seven of the Consolidated Statutes of Canada. And they may use any improvement that may hereafter be invented (subject to the rights of patentees) for telegraphing or telephoning, and any other means of communication that may be deemed expedient by the Company at any time hereafter.

POWERS.

17. "*The Consolidated Railway Act*, 1879," in so far as the provisions of the same are applicable to the undertaking authorized by this charter, and in so far as they are not inconsistent with or contrary to the provisions hereof, and save and except as hereinafter provided, is hereby incorporated herewith.

18. As respects the said Railway, the seventh section of "*The Consolidated Railway Act*, 1879," relating to POWERS, and the eighth section thereof relating to PLANS AND SURVEYS, shall be subject to the following provisions:—

a. The Company shall have the right to take, use and hold the beach and land below high water mark, in any stream, lake, navigable water, gulf or sea, in so far as the same shall be vested in Us and shall not be required by Us, to such extent as shall be required by the Company for its railway and other works, and as shall be exhibited by a map or plan thereof deposited in the office of the Minister of Railways. But the provisions of this sub-section shall not apply to any beach or land lying East of Lake Nipissing except with the approval of our Governor General in Council.

b. It shall be sufficient that the map or plan and book of reference for any portion of the line of the railway not being within any district or county for which there is a Clerk, of the Peace, be deposited in the office of our Minister of

Railways and Canals of Canada, and any omission, mis-statement or erroneous description of any lands therein may be corrected by the Company, with the consent of the Minister and certified by him; and the Company may then make the Railway in accordance with such certified correction.

c. The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the railway passing over ungranted lands of Us, or lands not within any surveyed township in any Province; and in such places, deviations not exceeding five miles from the line shown on the map or plan as aforesaid, deposited by the Company, shall be allowed, without any formal correction or certificate; and any further deviation that may be found expedient may be authorized by order of our Governor General in Council, and the Company may then make their railway in accordance with such authorized deviation.

d. The map or plan and book of reference of any part of the main line of the Canadian Pacific Railway made and deposited in accordance with this section, after approval by our Governor General in Council, and of any branch of such railway hereafter to be located by the said Company in respect of which the approval of our Governor General in Council shall not be necessary, shall avail as if made and deposited as required by the said "*Consolidated Railway Act*, 1879," for all the purposes of the said Act, and of this Act; and any copy of, or extract therefrom, certified by our said Minister or his deputy, shall be received as evidence in any court of law in Canada.

e. It shall be sufficient that a map or profile of any part of the completed Railway which shall not lie within any county or district, having a registry office, be filed in the office of our Minister of Railways and Canals of Canada.

19. It shall be lawful for the Company to take from any public lands adjacent to or near the line of the said railway, all stone, timber, gravel and other materials which may be necessary or useful for the construction of the railway; and also to lay out and appropriate to the use of the Company, a greater extent of lands, whether public or private, for stations, depots, workshops, buildings, side-tracks, wharves, harbors and road-way, and for establishing screens against snow, than the breadth and the quantity mentioned in "*The Consolidated Railway Act*, 1879," such greater extent taken, in any case, being allowed by our Governor General in Council, and shown on the maps or plans deposited with our Minister of Railways and Canals of Canada.

20. The limit to the reduction of tolls by our Parliament of Canada provided for by the eleventh sub-section of the 17th section of "*The Consolidated Railway Act*, 1879," respecting TOLLS, is hereby extended, so that such reduction

may be to such an extent that such tolls when reduced shall not produce less than ten per cent. per annum profit on the capital actually expended in the construction of the Railway, as such capital may be defined by an Act of our Parliament to be passed during the present session, instead of not less than fifteen per cent. per annum profit, as provided by the said sub-section; and so also that such reduction shall not be made unless the net income of the Company, ascertained as described in said sub-section, shall have exceeded ten per cent. per annum instead of fifteen per cent. per annum as provided by the said sub-section. And the exercise by our Governor General in Council of the power of reducing the tolls of the Company as provided by the tenth sub-section of said section seventeen is hereby limited to the same extent with relation to the profit of the Company, and to its net revenue, as that to which the power of Parliament to reduce tolls is limited by said sub-section eleven as hereby amended.

21. The first and second sub-sections of section 22, of "*The Consolidated Railway Act*, 1879," shall not apply to the Canadian Pacific Railway Company; the transfer of shares in the undertaking shall be made only upon the books of the Company in person or by attorney, and shall not be valid unless so made, and the form and mode of transfer shall be such as shall be from time to time regulated by the by-laws of the Company. And the funds of the Company shall not be used in any advance upon the security of any of the shares or stock of the Company.

22. The third and fourth sub-sections of said section 22 of "*The Consolidated Railway Act*, 1879," shall be subject to the following provisions, namely, that if before the completion of the Railway and works under the said contract, any transfer should purport to be made of any stock or share in the Company, or any transmission of any share should be effected under the provisions of said sub-section four, to a person not already a shareholder in the Company, and if in the opinion of the Board it should not be expedient that the person (not being already a shareholder) to whom such transfer or transmission shall be made or effected should be accepted as a shareholder, the Directors may, by resolution, veto such transfer or transmission; and thereafter, and until after the completion of the said Railway and works under the said contract, such person shall not be, or be recognized as a shareholder in the Company; and the original shareholder, or his estate, as the case may be, shall remain subject to all the obligations of a shareholder in the Company with all the rights conferred upon a shareholder under this Charter. But any firm holding paid-up shares in the Company may transfer the whole or any of such shares to any partner in such firm having already an interest as such partner in

such shares, without being subject to such veto. And in the event of such veto being exercised, a note shall be taken of the transfer or transmission so vetoed in order that it may be recorded in the books of the Company after the completion of the Railway and works as aforesaid; but until such completion, the transfer or transmission so vetoed shall not confer any rights, nor have any effect of any nature or kind whatever as respects the Company.

23. Sub-section sixteen of section nineteen, relating to PRESIDENT AND DIRECTORS, THEIR ELECTION AND DUTIES; sub-section two of section twenty-four, relating to BY-LAWS, NOTICES, &c., sub-sections five and six of section twenty-eight, relating to GENERAL PROVISIONS. and section ninety-seven, relating to RAILWAY FUND, of "*The Consolidated Railway Act*, 1879," shall not, nor shall any of them apply to the Canadian Pacific Railway or to the Company hereby incorporated.

24. The said Company shall afford all reasonable facilities to the Ontario Pacific Junction Railway Company, when their Railway shall be completed to a point of junction with the Canadian Pacific Railway; and to the Canada Central Railway Company, for the receiving, forwarding and delivering of traffic upon and from the railways of the said Companies, respectively, and for the return of carriages, trucks and other vehicles; and no one of the said Companies shall give or continue any preference or advantage to, or in favor of either of the others, or of any particular description of traffic, in any respect whatsoever; nor shall any one of the said Companies subject any other thereof, or any particular description of traffic, to any prejudice or disadvantage in any respect whatsoever; and any one of the said Companies which shall have any terminus or station near any terminus or station of either of the others, shall afford all reasonable facilities for receiving and forwarding all the traffic arriving by either of the others, without any unreasonable delay, and without any preference or advantage, or prejudice or disadvantage, and so that no obstruction may be offered in the using of such Railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said several Railway Companies; and the said Canadian Pacific Railway Company shall receive and carry all freight and passenger traffic shipped to or from any point on the railway of either of the said above named Railway Companies passing over the Canadian Pacific Railway or any part thereof, at the same mileage rate and subject to the same charges for similar services, without granting or allowing any preference or advantage to the traffic coming from or going upon one of such railways over such traffic coming from or going upon the other of

them, reserving, however, to the said Canadian Pacific Railway Company the right of making special rates for purchasers of land, or for emigrants or intending emigrants, which special rates shall not govern or affect the rates of passenger traffic, as between the said Company and the said two above named Companies or either of them. And any agreement made between any two of the said Companies, contrary to the foregoing provisions, shall be unlawful, null and void.

25. The Company, under the authority of a special general meeting of the shareholders thereof, and as an extension of the Railway hereby authorized to be constructed, may purchase or acquire by lease or otherwise and hold and operate, the Canada Central Railway, or may amalgamate therewith, and may purchase or acquire by lease or otherwise and hold and operate a line or lines of railway from the City of Ottawa to any point at navigable water on the Atlantic seaboard or to any intermediate point, or may acquire running powers over any railway now constructed between Ottawa and any such point or intermediate point. And the Company may purchase or acquire any such railway subject to such existing mortgages, charges or liens thereon as shall be agreed upon, and shall possess with regard to any lines of railway so purchased, or acquired, and becoming the property of the Company, the same powers as to the issue of bonds thereon, or on any of them, to an amount not exceeding twenty thousand dollars per mile; and as to the security for such bonds, as are conferred upon the Company by the *twenty-eighth* section hereof, in respect of bonds to be issued upon the Canadian Pacific Railway. But such issue of bonds shall not affect the right of any holder of mortgages or other charges already existing upon any line of railway so purchased or acquired ; and the amount of bonds hereby authorized to be issued upon such line of railway shall be diminished by the amount of such existing mortgages or charges thereon.

26. The Company shall have power and authority to erect and maintain docks, dockyards, wharves, slips and piers at any point on or in connection with the said Canadian Pacific Railway, and at all the termini thereof on navigable water, for the convenience and accommodation of vessels and elevators ; and also to acquire, and work elevators, and to acquire, own, hold, charter, work and run, steam and other vessels for cargo and passengers upon any navigable water, which the Canadian Pacific Railway may reach or connect with.

BY-LAWS.

27. The by-laws of the Company may provide for the remuneration of the President and Directors of the Company,

and of any executive committee of such Directors ; and for the transfer of stock and shares ; the registration and inscription of stock, shares, and bonds, and the transfer of registered bonds ; and the payment of dividends and interest at any place or places within or beyond the limits of Canada ; and for all other matters required by the said contract or by this Act to be regulated by by-laws ; but the by-laws of the Company made, as provided by law, shall in no case have any force or effect after the next general meeting of shareholders, which shall be held after the passage of such by-laws, unless they are approved by such meeting.

BONDS.

28. The Company, under the authority of a special general meeting of the shareholders called for the purpose, may issue mortgage bonds to the extent of ten thousand dollars per mile of the Canadian Pacific Railway for the purposes of the undertaking authorized by the present Charter ; which issue shall constitute a first mortgage and privilege upon the said Railway, constructed or acquired, and to be thereafter constructed or acquired, and upon its property, real and personal, acquired and to be thereafter acquired, including rolling stock and plant, and upon its tolls and revenues (after deduction from such tolls and revenues of working expenses), and upon the franchises of the Company ; the whole as shall be declared and described as so mortgaged in any deed of mortgage as hereinafter provided. Provided always, however, that if the Company shall have issued, or shall intend to issue, land grant bonds under the provisions of the thirtieth section hereof, the lands granted and to be granted by Us to the Company may be excluded from the operation of such mortgage and privilege ; and provided also that such mortgage and privilege shall not attach upon any property which the Company are hereby, or by the said contract, authorized to acquire or receive from Us until the same shall have been conveyed by Us to the Company, attach upon such property, if so declared in such deed ; but shall as soon as the same shall be conveyed to the Company. And such mortgage and privilege may be evidenced by a deed or deeds of mortgage executed by the Company, with the authority of its shareholders expressed by a resolution passed at such special general meeting ; and any such deed may contain such description of the property mortgaged by such deed, and such conditions respecting the payment of the bonds secured thereby and of the interest thereon, and the remedies which shall be enjoyed by the holders of such bonds or by any trustee or trustees for them in default of such payment, and the enforcement of such remedies ; and may provide for such forfeitures and penalties, in default of such payment, as may be approved by such meeting ; and may also contain,

with the approval aforesaid, authority to the trustee or trustees, upon such default, as one of such remedies, to take possession of the railway and property mortgaged and to hold and run the same for the benefit of the bondholders thereof for a time to be limited by such deed, or to sell the said railway and property, after such delay, and upon such terms and conditions as may be stated in such deed; and with like approval any such deed may contain provisions to the effect that upon such default and upon such other conditions as shall be described in such deed, the right of voting possessed by the shareholders of the Company, and by the holders of preferred stock therein, or by either of them, shall cease and determine, and shall thereafter appertain to the bondholders, or to them and to the holders of the whole or of any part of the preferred stock of the Company as shall be declared by such deed; and such deed may also provide for the conditional or absolute cancellation after such sale of any or all of the shares so deprived of voting power; or of any or all of the preferred stock of the Company, or both; and may also, either directly by its terms, or indirectly by reference to the by-laws of the Company, provide for the mode of enforcing and exercising the powers and authority to be conferred and defined by such deed, under the provisions hereof. And such deed, and the provisions thereof made under the authority hereof, and such other provisions thereof as shall purport (with like approval) to grant such further and other powers and privileges to such trustee or trustees and to such bondholders, as are not contrary to law or to the provisions of this Charter, shall be valid and binding. But if any change in the ownership or possession of the said Railway and property shall at any time take place under the provisions hereof, or of any such deed, or in any other manner, the said Railway and property shall continue to be held and operated under the provisions hereof, and of "*The Consolidated Railway Act*, 1879," as hereby modified. And if the Company does not avail itself of the power of issuing bonds secured upon the land grant alone as hereinafter provided, the issue of bonds hereby authorized may be increased to any amount not exceeding twenty thousand dollars per mile of the said Canadian Pacific Railway.

29. If any bond issue be made by the Company under the last preceding section before the said railway is completed according to the said Contract, a proportion of the proceeds of such bonds, or a proportion of such bonds if they be not sold, corresponding to the proportion of the work contracted for then remaining incomplete, shall be received by Us, and shall be held, dealt with, and, from time to time, paid over by Us to the Company upon the same conditions, in the same manner and according to the same proportions as the proceeds of the bonds, the issue

of which is contemplated by sub-section *d*, of Clause 9 of the said Contract, and by the thirty-first section hereof.

30. The Company may also issue mortgage bonds to the extent of twenty-five million dollars upon the lands granted in aid of the said railway and of the undertaking authorized by this Charter; such issue to be made only upon similar authority to that required by this Charter for the issue of bonds upon the railway; and when so made such bonds shall constitute a first mortgage upon such lands, and shall attach upon them when they shall be granted, if they are not actually granted at the time of the issue of such bonds. And such mortgage may be evidenced by a deed or deeds of mortgage to be executed under like authority to the deed securing the issue of bonds on the railway; and such deed or deeds under like authority may contain similar conditions and may confer upon the trustee or trustees named thereunder and upon the holders of the bonds secured thereby, remedies, authority, power and privileges, and may provide for forfeitures and penalties, similar to those which may be inserted and provided for under the provisions of this Charter in any deed securing the issue of bonds on the railway, together with such other provisions and conditions, not inconsistent with law or with this Charter as shall be so authorized. And such bonds may be styled Land Grant Bonds, and they and the proceeds thereof shall be dealt with in the manner provided in the said Contract.

31. The Company may in the place and stead of the said land grant bonds, issue bonds under the twenty-eighth section hereof, to such amount as they shall agree with Us to issue, with the interest guaranteed by Us as provided for in the said contract; such bonds to constitute a mortgage upon the property of the Company and its franchises acquired and to be thereafter acquired—including the main line of the Canadian Pacific Railway, and the branches thereof hereinbefore described, with the plant and rolling stock thereof acquired and to be thereafter acquired, but exclusive of such other branches thereof and of such personal property as shall be excluded by the deed of mortgage to be executed as security for such issue. And the provisions of the said twenty-eighth section shall apply to such issue of bonds, and to the security which may be given for the payment thereof, and they and the proceeds thereof shall be dealt with as hereby and by the said contract provided.

32. It shall not be necessary to affix the seal of the Company to any mortgage bond issued under the authority of this Act; and every such bond issued without such seal shall have the same force and effect, and be held, treated and dealt with by all courts of law and of equity as if it

were sealed with the seal of the Company. And if it is provided by the mortgage deed executed to secure the issue of any bonds, that any of the signatures to such bonds or to the coupons thereto appended may be engraved, stamped or lithographed thereon, such engraved, stamped or lithographed signatures shall be valid and binding on the Company.

33. The phrase "working expenses" shall mean and include all expenses of maintenance of the railway, and of the stations, buildings, works and conveniencies belonging thereto, and of the rolling and other stock and moveable plant used in the working thereof, and also all such tolls, rents or annual sums as may be paid in respect of the hire of engines, carriages or wagons let to the Company; also, all rent, charges or interest on the purchase money of lands belonging to the Company, purchased but not paid for, or not fully paid for; and also all expenses of and incidental to, working the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accidents or losses; also, all salaries and wages of persons employed in and about the working of the railway and traffic, and all office and management expenses, including Directors' fees, agency, legal and other like expenses.

34. The bonds authorized by this Charter to be issued upon the railway or upon the lands to be granted to the Company, or both, may be so issued in whole or in part in the denomination of dollars, pounds sterling, or francs, or in any or all of them, and the coupons may be for payment in denominations similar to those of the bond to which they are attached. And the whole or any of such bonds, may be pledged, negotiated or sold upon such conditions and at such price as the Board of Directors shall from time to time determine. And provision may be made by the by-laws of the Company, that after the issue of any bond, the same may be surrendered to the Company by the holder thereof, and the Company may, in exchange therefor, issue to such holder inscribed stock of the Company, which inscribed stock may be registered or inscribed at the chief place of business of the Company or elsewhere, in such manner, with such rights, liens, privileges and preferences, at such place, and upon such conditions as shall be provided by the by-laws of the Company.

35. It shall not be necessary, in order to preserve the priority, lien, charge, mortgage or privilege, purporting to appertain to or be created by any bond issued or mortgage deed executed under the provisions of this Charter, that such bond or deed should be enregistered in any manner, or in any place whatever. But every such mortgage deed shall

be deposited in the office of Our Secretary of State of Canada : of which deposit notice shall be given in the *Canada Gazette*. And in like manner any agreement entered into by the Company, under section thirty-six of this Charter, shall also be deposited in the said office. And a copy of any such mortgage deed, or agreement, certified to be a true copy by Our said Secretary of State or his Under Secretary or Deputy, shall be received as *primâ facie* evidence of the original in all courts of justice, without proof of the signatures or seal upon such original.

36. If, at any time, any agreement be made by the Com pany with any persons intending to become bondholders of the Company, or be contained in any mortgage deed executed under the authority of this Charter, restricting the issue of bonds by the Company, under the powers conferred by this Charter, or defining or limiting the mode of exercising such powers, the Company, after the deposit thereof with Our said Secretary of State as hereinbefore provided, shall not act upon such powers otherwise than as defined, restricted and limited by such agreement. And no bond thereafter issued by the Company, and no order, resolution or proceeding thereafter made, passed or had by the Company, or by the Board of Directors, contrary to the terms of such agreement, shall be valid or effectual.

37. The Company may, from time to time, issue guaranteed or preferred stock, at such price, to such amount, not exceeding ten thousand dollars per mile, and upon such conditions as to the preferences and privileges appertaining thereto, or to different issues of classes thereof, and otherwise, as shall be authorized by the majority in value of the shareholders present in person or represented by proxy at any annual meeting or at any special general meeting thereof called for the purpose, notice of the intention to propose such issue at such meeting being given in the notice calling such meeting. But the guarantee or preference accorded to such stock shall not interfere with the lien, mortgage and privilege attaching to bonds issued under the authority of this Act. And the holders of such preferred stock shall have such power of voting at meetings of shareholders, as shall be conferred upon them by the by-laws of the Company.

EXECUTION OF AGREEMENTS.

38. Every contract, agreement, engagement, scrip certificate or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company ; and in no case shall it be necessary to have the seal of the Company affixed to any

such bill, note, cheque, contract, agreement, engagement, bargain, or scrip certificate, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the Company be subjected individually to any liability, whatsoever, to any third party therefor; Provided always, that nothing in this Charter shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance.

GENERAL PROVISIONS.

39. The Company shall, from time to time, furnish such reports of the progress of the work, with such details and plans of the work, as Our Governor General in Council may require.

40 As respects places not within any Province, any notice required by "*The Consolidated Railway Act*, 1879," to be given in the "Official Gazette" of a Province, may be given in the *Canada Gazette*.

41. Deeds and conveyances of lands to the Company fo the purposes of this Charter (not being letters patent from Us), may, in so far as circumstances will admit, be in the form following, that is to say:—

"Know all men by these presents, that I, A. B., in consideration of paid to me by the Canadian Pacific Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said the Canadian Pacific Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

"Witness my hand and seal, this day of one thousand eight hundred and

"Signed, sealed and delivered in presence of } A. B. [L.S.]

"C. D.
"E. F."

or in any other form to the like effect. And every deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same the obligation of guaranteeing the Company and its assigns against all dower and claim for dower and against all hypothecs and mortgages and against all liens and charges whatsoever, and also that he has a good, valid and transferable title thereto.

In Testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Right Trusty and Well-Beloved Councillor, Sir John Douglas Sutherland Campbell, (commonly called the Marquis of Lorne), Knight of Our Most Ancient and Most Noble Order of the Thistle, Knight Grand Cross of Our Most Distinguished Order of St. Michael and St. George, Governor-General of Canada and Vice-Admiral of the same, &c., &c , &c.

At Our Government House, in Our CITY of OTTAWA, this day of in the Year of Our Lord one thousand eight hundred and eighty-one, and in the forty-fourth year of Our Reign.

By Command.

Secretary of State of Canada.

J. O. COTÉ,
Clerk Privy Council.

Letters Patent under the Great Seal of Canada have been this day issued in accordance with the foregoing Order in Council.

Dated 16th February, 1881.

JOHN O'CONNOR,
Secretary of State.

ROYAL LETTERS PATENT UNDER THE GREAT SEAL OF CANADA ISSUED 16th FEBRUARY, 1881.

[*This document contained in the foregoing Order in Council and printed at pages* 29 *to* 56 *is not here repeated.*]

CERTIFICATE OF DEPOSIT BY CANADIAN PACIFIC RAILWAY COMPANY.

FINANCE DEPARTMENT,
OTTAWA, 16th Feby., 1881.

I hereby certify that the Canadian Pacific Railway Company has deposited with me *one million dollars* in money for the purpose and upon the conditions provided in and by the second clause of a contract between Her Majesty the Queen and certain persons representing the said Company, executed on the 21st day of October last, which contract is now held by the said Company as a Corporation under and by virtue of the Act passed during the present Session of the Parliament of Canada, intituled : "*An Act respecting the Canadian Pacific Railway*," and of the *Letters Patent* issued under the said Act.

(Signed), S. L. TILLEY,
Minister of Finance.

[True Copy.]

J. M. COURTNEY,
Deputy Minister Finance.

AMENDED DESCRIPTION OF THE "STANDARD" FOR CONSTRUCTION.

OTTAWA, 16th December, 1880.

SIR,—With reference to the objections that have been raised to the description in the 3rd clause of the Pacific Railway contract of the approximate standard named in that clause, we beg to state that when the contract was framed, it was not considered that there was any difference of importance between the time of the original construction of the Union Pacific Railway and the date of the Allan contract.

We are therefore prepared to agree, on behalf of the Syndicate, that the description of the *Standard* shall be construed as applying to the Union Pacific Railway as it was in February, 1873, so that the obligations of the Company will virtually be the same as if that date were substituted in the clause in question, for the words "as the same was when first constructed."

We have no hesitation in agreeing to this construction, as it is obvious that our own interest will lead us to construct the railway in a substantial manner, with steel rails and efficient equipment. And our reason for desiring that a standard should be named was not in any degree to enable us to construct an inferior railway, but merely to protect us from captious or arbitrary criticism.

We have the honor to be, Sir,
Your obedient servants,

(Signed) DUNCAN McINTYRE,
" JOHN S. KENNEDY,
" R. B. ANGUS,
on behalf of the Pacific Railway Syndicate.

The Honorable
The Secretary of State for Canada,
Ottawa.

SUPPLEMENTARY AGREEMENT IN REGARD TO "RUNNING POWERS, RATES, &c."

CANADIAN PACIFIC RAILWAY COMPANY,
SECRETARY'S OFFICE,
MONTREAL, February 25th, 1881.

SIR,---At the request of the Hon. J. J. C. Abbott, the Counsel of this Company, I beg to transmit herewith, duly certified and sealed with the corporate seal of the Company, an extract from the minutes of the first meeting of the Directors, held on the 17th instant, having reference to the proposed agreement to be entered into between the Government and the Company on the subject of running powers to be granted under circumstances over a portion of the Canadian Pacific Railway to Callander Station, &c.

Mr. Abbott desired me to say that this extract is forwarded to you and the Hon. Sir Alexander Campbell, as the resolutions embodied in it were passed by the Directors at your joint request.

I have the honor to be, Sir,
Your obedient servant,

C. DRINKWATER,
Secretary.

The Hon. Sir CHAS. TUPPER, K.C.B.,
Minister of Railways, Ottawa.

THE CANADIAN PACIFIC RAILWAY COMPANY.

EXTRACTS from the minutes of the first meeting of the Directors of the Canadian Pacific Railway Company, held at the Company's office in Montreal, on Thursday, the 17th day of February, 1881.

And whereas in the course of the debate upon the Canadian Pacific Railway Act, certain questions arose which the contractors present at Ottawa deemed it expedient to meet by agreeing that this Company would enter into certain undertakings with the Government of Canada, so soon as it should be organized, and it is expedient to provide for entering into such arrangements, therefore it is unanimously

Resolved,---That this Company is prepared to enter into an agreement with the Dominion Government to the effect following, that is to say:

If any Company other than the Canada Central Railway Company builds a line from any point on the Canadian Pacific Railway, at or about the Wahnapit River, to any

point on Lake Huron or Lake Superior, or on the River St. Marie, such Company shall have running powers over the Canadian Pacific Railway from the point of junction to Callander Station, on condition that such Company shall grant to the Canadian Pacific Railway Company similar and reciprocal running powers over its Railway west of such point of junction.

In the event of the Company purchasing, acquiring, amalgamating with, leasing or holding and operating the Canada Central Railway, the said Callander Station shall continue to be a neutral or receiving and distributing point, common to the Canada Central Railway, and any railway in the Province of Ontario running southward from said Callander Station, and in that case all traffic to or from any point in the West or North-West coming from or destined for any such Ontario Railway, shall be carried to or from Callander Station at the same mileage rate as similar traffic to or from such point coming from or destined for the said Canada Central Railway. And such mileage rate shall not be greater than the average rate per mile charged for similar traffic from the point of shipment on the Canadian Pacific Railway to the point of destination on the Canada Central Railway, or from the point of shipment on the said Canada Central Railway to the point of destination on the Canadian Pacific Railway, as the case may be.

And for the purposes of this section the word " traffic" includes not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway, if offered for carriage as freight, but this agreement shall not be construed as consenting to any running powers by any railway over the Canadian Pacific Railway.

This agreement to be subject to the conditions as to special rates for the purchasers of land, or for emigrants or intending emigrants, which are contained in the twenty-fourth section of the charter of this Company.

If at any time the Canada Central Railway should be purchased, acquired, leased in perpetuity by or amalgamated with this Company, such amalgamation, acquisition, purchase or lease shall be made subject to the existing legal obligations of that Company created by its charter or any amendment thereof, in respect of running powers or traffic arrangements, as well as in respect of the matters and things referred to in the letters patent incorporating this Company.

A true extract.

(Signed) C. DRINKWATER,
Secretary.

42 VICTORIA.

CHAP. 9.

An Act to amend and consolidate "The Railway Act, 1868," and the Acts amending it.

NOTE.—The dates in the margin opposite any provision is the year in which it was made by this Act (1879) or by *An Act amending that of* 1868, and repealed by s. 102 of this Act.

[*Assented to* 15*th May*, 1879.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. In citing this Act, it shall be sufficient to use the expression "*The Consolidated Railway Act*, 1879." Short title. 1879.

APPLICATION OF ACT.

2. The provisions of this Act from section five to section thirty-four, both inclusive, being Part First of this Act, shall apply to the Intercolonial Railway constructed under the authority of the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting the construction of the Intercolonial Railway*," so far as they are applicable to the undertaking, and in so far as they are not inconsistent with or contrary to the provisions of the said Act or any other Act respecting it : Application of the several parts of this Act. 31 V., c. 13.

2. The said sections shall also apply to every railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada, and shall, so far as they are applicable to the undertaking, and unless they are expressly varied or excepted by the Special Act, be incorporated with the Special Act, form part thereof, and be construed therewith as forming one Act. The same.

3. For the purpose of excepting from incorporation with the Special Act any of the sections forming Part First of this Act, it shall be sufficient in the Special Act to enact, that the sections of this Act proposed to be excepted, referring to them by the words forming the headings of such sections respectively, shall not be incorporated with such Act, and the Special Act shall thereupon be construed accordingly. How any section may be excepted from incorporation with any Special Act.

4. The provisions of this Act from section thirty-four to section ninety-eight, both inclusive, being Part Second, shall apply to the Intercolonial Railway, in so far as they are not varied by, or inconsistent with the Special Act respecting it, to all railways constructed by the Government of Canada, To what Railways the other provisions of this Act shall apply.

or being or having become the property of the Dominion of Canada, in or since the year 1868, in so far as they are not inconsistent with any Special Act respecting them, and to all railways which have been in or since the said year, or which may be hereafter constructed under the authority of or made subject to any Special Act passed by the Parliament of Canada, and to all companies incorporated for their construction and working, subject always to any provision hereinafter made as to the application of any section or provision of either part of this Act to any Province, place or railway, or as to the time from which it is to be held as so applying.

Subject to provisions of this Act. 1879.

PART FIRST.

INTERPRETATION.

Interpretation of words "the Special Act."

5. 1. The expression "the Special Act," used in this Act shall be construed to mean any Act authorizing the construction of a railway, with which this Act or "*The Railway Act*, 1868," is incorporated:

"Prescribed"

2. The word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter, as the same is prescribed or provided for in the Special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been used:

"The Lands."

3. The expression "the lands" shall mean the lands which by the Special Act are authorized to be taken or used for the purpose thereof:

"The undertaking."

4. The expression "the undertaking" shall mean the railway and works, of whatever description, by the Special Act authorized to be executed:

In this and the Special Act.

5. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say:—

"Lands."

6. The word "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure:

"Lease."

7. The word "Lease" shall include any agreement for a lease:

"Toll."

8. The word "Toll" shall include any rate or charge or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandise, matters or things conveyed on the railway:

"Goods."

9. The word "Goods" shall include things of every kind that may be conveyed upon the railway, or upon steam or other vessels connected therewith:

10. The word "County" shall include any union of Counties, County, Riding or like division of a County in any Province, or any division thereof into separate municipalities in the Province of Quebec : "County."

11. The word "Highways" shall mean all public roads, streets, lanes, and other public ways and communications : "Highways."

12. The word "Sheriff" shall include Under Sheriff, or other legal competent Deputy ; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace," shall, in such case, be construed to mean the Sheriff or Clerk of the Peace of the District, County, Riding, Division, or place where such lands are situate ; and if the lands in question, being the property of one and the same party, be situate not wholly in one District, County, Riding, Division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division or place where any part of such lands are situate : "Sheriff." "Clerk of the Peace."

13. The word "Justice" shall mean a Justice of the Peace acting for the District, County, Riding, Division, City or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter ; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one District, County, Riding, Division, City or place the word "Justice" shall mean a Justice acting for the District, County, Riding, Division, City or place where any part of such lands are situate, and who is not interested in such matter ; and where any matter is authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two Justices assembled and acting together : "Justice." "Two Justices."

14. The word "owner," where, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of the owner shall be understood to mean any corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company : "Owner."

15. The expression "the Company" shall mean the company or party authorized by the Special Act to construct the railway : "The Company."

16. The expression "the Railway" shall mean the railway and the works by the Special Act authorized to be constructed. "The Railway."

INCORPORATION.

Companies established under special Acts, declared to be bodies corporate, &c.

6. Every company established under any Special Act shall be a body corporate under the name declared in the Special Act, and shall be vested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and which are incident to such corporation, or are expressed or included in "*The Interpretation Act.*"

31 V., c. 1.

POWERS.

Powers.

7. The company shall have power and authority,--

To receive grants of land, &c.

1. To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants or donations only;

To purchase land;

2. To purchase, hold and take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same;

To occupy public lands, beaches, &c., with consent of the Crown.

3. No railway company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council; but with such consent any such company may take and appropriate for the use of their railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the railway, as have not been granted or sold, and as may be necessary for such railway, as also so much of the public beach, or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said railway and works, subject, however, to the exceptions contained in the next following sub-section;

As to lands belonging to Her Majesty, &c.

4. Whenever it is necessary for the company to occupy any part of the lands belonging to the Queen, reserved for Naval or Military purposes, they shall first apply for and obtain the license and consent of Her Majesty, under the hand and seal of the Governor, and having obtained such license and consent, they may, at any time or times, enter into and enjoy any of the said lands for the purposes of the railway; but in the case of any such Naval or Military Reserves, no such license or consent shall be given except upon a report first made thereupon by the Naval or Military authorities in which such lands are, for the time being, vested, approving of such license and consent being so given;

5. The company shall have power and authority to make, carry or place the railway across or upon the lands of any corporation or person on the line of the railway, or within the distance from such line stated in the Special Act, although, through error or other cause, the name of such party has not been entered in the Book of Reference hereinafter mentioned, or although some other party has been erroneously mentioned as the owner of or entitled to convey, or is interested in such lands ; Power to carry Railway across lands of corporations, and others;

6. To construct, maintain and work the railway across, along, or upon any stream of water, water-course, canal, highway or railway which it intersects or touches ; but the stream, water-course, highway, canal or railway so intersected or touched, shall be restored by the company to its former state, or to such state as not to impair its usefulness ; And across or along streams &c. Proviso.

7. To make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks, to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them ; To complete Railway with one or more tracks, &c. ;

8. To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, wagons, floats and other machinery necessary for the accommodation and use of the passengers, freight and business of the railway ; To erect necessary buildings, wharves, &c.

9. To make branch railways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway ; Branch Railways ;

10. To construct and make all other matters and things necessary and convenient for the making, extending and using of the railway in pursuance of this Act, and of the Special Act ; All other matters and things necessary for Railway ;

11. To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation ; To convey persons and goods on Railway ;

12. To borrow from time to time, either in Canada or elsewhere, such sums of money as may be expedient for completing, maintaining or working the railway, and at a rate of interest not exceeding eight per cent. per annum, and to make the bonds, debentures or other securities granted for To borrow money, &c.

To issue bonds, debentures, &c., pledging Company's property.

the sums so borrowed, payable either in currency or in sterling, and at such place or places within Canada, or without, as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues and other properties of the company for the due payment of the said sums and the interest thereon,—but no such debenture shall be for a less sum than one hundred dollars;

To enter upon lands, &c., for survey.

13. To enter into and upon any lands of Her Majesty without previous license therefor, or into and upon the lands of any corporation or person whatsoever lying in the intended route or line of the railway; and to make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as are necessary and proper for the railway;

To remove trees.

14. To fell or remove any trees standing in any woods, lands or forests, where the railway passes, to the distance of six rods from either side thereof;

To cross or unite with other Railways.

15. To cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitrators to be appointed by a judge of one of the superior courts in the Province in which the point of junction or intersection is situated:

But not without application to the Railway Committee under sect. 35.

16. But no railway company shall avail itself of any of the powers contained in the next preceding sub-section without application to the Railway Committee constituted under the thirty-fifth section of this Act, for approval of the mode of crossing, union or intersection proposed,—of which application, notice in writing shall be given to any other railway affected, by sending the same by mail or otherwise, to the address of the President, Superintendent, Managing Director or Secretary of any such railway company; and when such approval has been obtained, it shall be lawful for either railway, in case of disagreement as to the amount to be paid for compensation, to proceed for the determination of such compensation as provided in the said sub-section; and this sub-section and the next preceding it shall extend and apply to a railway incorporated under any Act of a Provincial Legislature, in any case in which it is proposed that such railway shall cross, intersect, join or

As to provincial Railways. 1877.

unite with a railway under the legislative control of Canada:

Any Railway Company may construct branch Railways on certain conditions.

17. Any railway company may construct a branch or branches not exceeding six miles in length from any terminus or station of their railway, whenever a by-law sanctioning the same has been passed by the Municipal Council of the Municipality within the limits of which such proposed branch is situate; and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the Special Act or in this Act, nor shall any thing in either of the said Acts authorize the company to take for such branch any lands belonging to any party without the consent of such party first obtained:

Power to construct branch lines for certain purposes. 1875.

18. For the purpose of connecting any city, town, village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring, with the main line of the railway of the company, or with any branch thereof, or with any railway worked or leased by the company; and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the company to build, make and construct, and to work and use, sidings, switches or branch lines of railway, not to exceed in any one case six miles in length: Provided always, that the company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section of this Act, until public notice shall have been given for six weeks in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose, under the compulsory powers vested in them by this Act, or by any other Act in their behalf; nor unless the company shall, prior to the first publication of such notice, have deposited in the Registry Office of any city, county or part of a county, in which the line or any part thereof is to be constructed, the maps and plans indicating the location of the line; nor until the company shall have submitted the same to, and such maps and plans shall have been approved by, the Governor in Council, after the expiration of the notice: And provided further, that the Order of the Governor in Council, approving the said maps and plans, shall limit the time, not exceeding two years from the date of such order, within which the company may construct such branch line:

Proviso: Notice to be given.

Maps and plans: and approval of Governor in Council.

Proviso: time for construction limited.

Powers of Company as to such branch lines 1875.

b. For any and every such purpose, each and every company herein referred to, shall have and may exercise all the powers given them with respect to their main line, by the

Act incorporating the company, and the Acts amending the same or relating to the company, or the Act authorizing the construction of the main line, and this Act and any Act amending the same ; and each and all provisions of the said Acts which are applicable to such extension shall extend and apply to every such siding, switch or branch line of railway :

Changes may be made in the line of a Railway at any time for certain purposes.

19. Any railway company desiring at any time to change the location of its line of railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage, may make such change ; and all and every the clauses of this Act shall refer as fully to the part of such line of railway, so at any time changed or proposed to be changed, as to the original line ; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the Special Act :

Proviso.

Capital Stock may be increased : how and on what conditions.

20. The original capital stock of any railway company may be increased from time to time to any amount ; but such increase must be sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the shareholders, at a meeting expressly called by the directors for that purpose, by a notice in writing to each shareholder, served on him personally, or properly directed to him, and deposited in the Post Office, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase ; and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the capital stock may be increased to the amount sanctioned by such a vote.

PLANS AND SURVEYS.

Provision respecting surveys and levels.

8. Plans and Surveys shall be made and corrected as follows :—

Map and book of Reference ; contents.

1. Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a Book of Reference for the railway, in which shall be set forth—

a. A general description of the said lands ;

b. The name of the owners and occupiers thereof, so far as they can be ascertained ; and—

c. Every thing necessary for the right understanding of such map or plan :

2. The map or plan and Book of Reference shall be examined and certified by the Minister of Public Works or his deputy; and a duplicate thereof, so examined and certified, shall be deposited in the office of the Department of Public Works; and the company shall be bound to furnish copies of such map or plan and Book of Reference or of such parts thereof as relate to each district or county through which the railway is to pass, to be deposited in the offices of the Clerks of the Peace for such districts or counties respectively: To be examined, certified and copies deposited.

3. Any person may resort to such copies, and make extracts therefrom or copies thereof, as occasion requires, paying to the Clerks of the Peace, at the rate of ten cents for every hundred words: Access to copies.

4. Such map or plan and Book of Reference so certified, or a true copy thereof certified by the Minister of Public Works or by the Clerks of the Peace, shall be good evidence in any court of law and elsewhere: Certified copies to be evidence.

5. Any omission, misstatement or erroneous description of such lands, or of the owners or occupiers thereof, in any map or plan or Book of Reference, may, after giving ten days notice to the owners of such lands, be corrected by two justices on application made to them for that purpose; and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the justices shall certify the same accordingly: Omissions or errors how remedied.

6. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the districts or counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon such map or plan or Book of Reference shall be deemed to be corrected according to such certificate; and the company may make the railway in accordance with the certificate: Certificates relating thereto.

7. If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a plan and section of such alterations as have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan; and copies of, or extracts from such plan and section so far as they relate to the several districts or counties, in or through which such alterations have been authorized to be made, shall be deposited with the Clerks of the Peace of such districts and counties: Alterations from original survey.

8. Until such original map or plan or Book of Reference, or the plans and sections of the alterations, have been so Railway not to be proceeded with until

map, &c., deposited.

deposited, the execution of the railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with:

Clerks of the Peace to retain copies of original plan, &c.

Copies or extracts;

9. The Clerks of the Peace shall receive and retain the copies of the original plans and surveys, and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies of and extracts from the same, under a penalty for each default of four dollars:

Copies certified by Clerk to be good evidence in Courts.

10. The copies of the maps, plans and Books of Reference, or of any alteration or correction thereof, or extracts therefrom, certified by the Clerk of the Peace, shall be received in all courts of justice or elsewhere as good evidence of the contents thereof, and the Clerk of the Peace shall give such certificate to all parties interested when required:

Line not to deviate more than a mile from Plan.

11. No deviation of more than one mile from the line of the railway or from the places assigned thereto in the said map or plan and Book of Reference, or plans or sections, shall be made into, through, across, under or over any part of the lands not shown in such map or plan and Book of Reference, or plans or sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act:

As to errors in the name of a person entered in a Book of Reference.

12. The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the Book of Reference through error or any other cause, or though some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands:

Map, &c., of Railway to be filed in the Public Works Office.

13. A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, be made and filed in the office of the Minister of Public Works, and like maps of the parts thereof, located in different districts and counties, shall be filed in the Registry Offices for the districts and counties in which such parts are respectively situate; and any company failing or neglecting to furnish such map within the said period, shall incur a penalty of two hundred dollars, and a like penalty for each and every month such failure or neglect shall continue, recoverable in Her Majesty's name in any court of competent jurisdiction:

On what scale and paper to be drawn.

14. Every such map shall be drawn on such a scale, and on such paper, as may, from time to time, be designated for

that purpose by the Minister of Public Works, and shall be certified and signed by the President or Engineer of the corporation.

LANDS AND THEIR VALUATION.

Extent of lands to be taken without consent of proprietors.

9. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty-three yards in breadth, except in places where the railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depots or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred and fifty yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shewn on a map or plan, or plans or sections, so far as the same may be then ascertained,—but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line:

Extra breadth for Stations, &c.

Extent of public beach to be taken.

2. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the railway, shall not exceed the quantity limited in the next preceding sub-section:

Corporations, &c., may convey lands to Company.

3. All Corporations and persons whatever, tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, seized, possessed of, or interested in any lands, may contract, sell or convey unto the company all or any part thereof: Provided always, that in all cases in which the parties hereinbefore enumerated have no right in law to sell or convey the rights of property of said land, it will be necessary for the said parties to obtain from a competent judge, after due notice to parties interested, the right to sell the said land; and the said judge will give such orders as may be necessary to secure the investment of the purchase money in such a manner as he will deem necessary, according to the law of the Province, to secure the interests of the owner of said land:

Proviso: order of judge required in certain cases. 1879.

Limitation of powers in certain cases.

4. But the powers by the next preceding sub-section conferred upon Rectors in possession of glebe lands in the Province of Ontario, ecclesiastical and other corporations, trustees of land for church or school purposes, or either, executors appointed by wills in which they are not invested

with any power over the real estate of the testator, administrators of persons dying intestate but at their death seized of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any railway company:

Effect of sale under preceding sub-section.

5. Any contract, agreement, sale, conveyance and assurance so made, under the two next preceding sub-sections, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the railway company receiving the same, the fee-simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of, or in pursuance to this Act:

Disposition of purchase money.

6. The company shall not be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land, or into court for his benefit, as hereinafter provided:

Effect of contracts made before deposit of map.

7. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and Book of Reference, and before the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such lands may, in the meantime, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided; and the agreement shall be in the place of an award:

Corporations and others who cannot sell in ordinary course of law, may agree upon a fixed rent.

8. All corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed:

Lien for payment of such rent.

9. For the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase-money of any lands, which the vendor agrees to leave unpaid, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever,—the deed creating such charge and liability being duly registered in the Registry Office of the proper district, county, or registration division:

10. After one month from the deposit of the map or plan and Book of Reference, and from notice thereof in at least one newspaper, if there be any. published in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway and thereupon agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties; and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as follows, that is to say:—

After one month's notice of deposit of map, &c., application to the owner of lands.

Arbitration in default of agreement

11. The deposit of a map or plan and Book of Reference, and the notice of such deposit, shall be deemed a general notice to all the parties, of the lands which will be required for the railway and works;

Deposit of plan, &c., to be general notice.

12. The notice served upon the party shall contain,—

Notice to opposite party; and what it must contain.

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and—

c. The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn Surveyor for the Province in which the lands are situated, disinterested in the matter, and not being the arbitrator named in the notice,—

That the land, if the notice relate to the taking of land, shewn on the said map or plan, is required for the railway or is within the limits of deviation hereby allowed;

That he knows the land or the amount of damage likely to arise from the exercise of the powers; and—

That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages aforesaid:

13. If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to the Judge of the Superior Court for the dis-

If the opposite party be absent or unknown; application to a Judge.

trict, if it be in the Province of Quebec, or to the Judge of the County Court for the County, if it be in either of the Provinces of Ontario or New Brunswick, or to a Judge of the Supreme Court if it be in the Province of Nova Scotia, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the district or county; or if there be no newspaper published therein, then in a newspaper published in some adjacent district or county.

See s. 101 as to P.E.I.

If the County Judge be interested.

14. Whenever any County Judge is interested in any lands taken or required by the company within the county in which he is such judge, any judge of any of the superior courts in the Province in which the lands are, shall, on the application of the company, exercise in such cases all the powers given by this section to the County Judge in cases in which he is not interested:

Party not accepting the Company's offer, and not appointing an Arbitrator.

15. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the judge shall, on the application of the company, appoint a sworn Surveyor, for the Province, as the case may be, to be sole Arbitrator for determining the compensation to be paid as aforesaid:

Appointment of Arbitrators by opposite party; third Arbitrator.

16. If the opposite party within the time aforesaid, notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Minister of Public Works shall, on the application of the party or of the company (previous notice of at least two clear days having been given to the other party), appoint one of the Official Arbitrators to be a third arbitrator.

Duties of Arbitrators.

17. The arbitrators or two of them, or the sole arbitrator, being sworn before some Justice of the Peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best; and the award of such arbitrators, or any two of them, or of the sole arbitrator, shall be final and conclusive; but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least

Award of two to be sufficient.

two clear days' notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required:

Arbitrators to consider increased value of remaining lands.

18. The arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or, grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid:

Costs, how paid.

19. If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the cost of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the judge:

Arbitrators may examine on oath.

20. The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation, the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation shall be deemed wilful and corrupt perjury, and punishable accordingly:

Time within which award may be made.

21. A majority of the arbitrators at the first meeting after their appointment, or the sole arbitrator, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by resolution of the arbitrators, then, the sum offered by the company as aforesaid, shall be the compensation to be paid by them:

Arbitrator dying, &c. Sub-s. 22 of 1863 and 1876.

22. If the sole arbitrator appointed by the judge, or the Official Arbitrator appointed by the Minister of Public Works, or any arbitrator appointed by the parties, or the third arbitrator appointed by the two arbitrators, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole arbitrator, the judge, upon the application of either party, and in the case of the Official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affi-

davit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place; and in the case of any arbitrator appointed by the parties, the company and party respectively may each appoint an arbitrator in the place of his arbitrator so deceased or not acting, and in the case of a third arbitrator appointed by the two arbitrators, the provisions of the sixteenth subsection shall apply, but no recommencement or repetition of prior proceedings shall be required in any case:

Company may desist, paying costs.

23. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party; but in any such case the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist:

Surveyor or Arbitrator not disqualified unless personally interested.

24. The surveyor or other person offered or appointed as valuator or as sole arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the judge:

When disqualification must be urged. No objections admissible after a third Arbitrator has been appointed.

25. No cause of disqualification shall be urged against any arbitrator appointed by the company or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity or any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator:

Awards not avoided for want of form.

26. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award:

Possession may be taken on payment of tender, &c., of sum awarded.

27. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the payment into

Court of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon, and if any resistance or forcible opposition be made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do :

Warrant of possession.

28. Such warrant may also be granted by any such judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company are ready forthwith to proceed :

When warrant of possession may issue before award.

b. But no judge shall grant any warrant under this sub-section unless ten days previous notice of the time and place when and where application for its granting will be made to him, has been served upon the owner of the land, or the party empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the railway company ; nor shall any judge grant any such warrant except upon the company giving security to his satisfaction, by deposit in a chartered bank indicated by him, to the credit of the company and such person or party jointly, of a sum larger than his estimate of the probable compensation, and not less than double the amount mentioned in the notice served under sub-section twelve of this section ; and the cost of the application to and of any hearing before the judge, shall be borne by the railway company, unless the compensation awarded shall be less than they had declared their readiness to pay ; and no part of such deposit or of any interest thereon shall be repaid or paid to such company or paid to such owner or party without an order from such judge, which he shall have power to make in accordance with the terms of the award.

On what conditions only Judge may grant such warrant.

Deposit of compensation required, 1879

Deposit to be paid out only on Judge's order.

29. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands ; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible

When the compensation is to stand in the place of the land.

accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party.

As to incumbrances, &c, upon lands, &c., purchased or taken in Ontario, Nova Scotia or New Brunswick. *See* s. 101 as to other Provinces.

30. If the company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company, may, if the lands are situated in either of the Provinces of Ontario, Nova Scotia or New Brunswick, pay such compensation into the office of one of the superior courts for the Province in which the lands are situated, with the interest thereon for six months, and may deliver to the clerk of the court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance; and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned:

What notice to be published.

31. A notice, in such form and for such time as the court appoints, shall be inserted in some newspaper, if there be any, published in the district or county in which the lands are situate, and at the seat of Government of the Province, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof; and all such claims shall be received and adjudged upon by the court, and the said proceedings shall forever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act and the Special Act, and to law, appertain:

Order of Court distributing compensation.

By whom costs shall be paid.

32. The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party, as the court may order:

When interest shall be returned to, or paid by the Company.

33. If such order of distribution be obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay to the proper claimants the interest for such further period as may be right.

34. If the lands so taken are situated in the Province of Quebec, and if the company have reason to fear any such claim, mortgage, hypothec or incumbrance, or if any party to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or is unknown to the company, or if for other reasons the company deems it advisable, the company may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with the interest thereon for six months, and may deliver to the said prothonotary an authentic copy of the conveyance—or of the award if there be no conveyance—, and such award shall thereafter be deemed to be the title of the company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the prothonotary shall state that the title of the company (that is, the conveyance or award) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation or any part thereof; and all such claims shall be received and adjudged upon by the court:

Case in which lands are situate in P.Q., and Company have reason to fear incumbrances, provided for.

Special notice in such case.

35. Such judgment of confirmation shall forever bar all claims to the land or any part thereof (including dower not yet open) as well as any mortgage, hypothec or incumbrance upon the same; and the court shall make such order for the distribution, payment and investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the Special Act, and the provisions of this Act and to law, shall appertain:

Effect of a judgment of confirmation.

36. The costs of the proceedings, or any part thereof, shall be paid by the company or by any other party, as the court may order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay the prothonotary the interest for such further period as may be right.

By whom costs to be paid.

Interest.

37. If the railway passes through any land belonging to or in possession of any tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act or the Special Act, compensation shall be made to them therefor, in the same manner as is provided

The case of Railway passing through Indian lands provided for.

with respect to the lands or rights of other individuals ; and whenever it is necessary that arbitrators should be chosen by the parties, the Minister of the Interior is hereby authorized and required to name an arbitrator on behalf of the Indians ; and where the lands belong to the Indians the amount awarded in any case shall be paid to the said Minister of the Interior for the use of such tribe or body.

Power to take materials for construction of Road. 1879.

38. Whenever stone, gravel, earth, sand or water is required for the construction or maintenance of any railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated, for the purchase thereof, cause a Land Surveyor duly licensed to act as such in the Province or Territory, to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway ; and all the provisions of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this sub-section, and to the obtaining materials as aforesaid ; and such proceedings may be had by the company, either for the right to the fee-simple in the land, from which the said material shall be taken, or for the right to take material for any time they shall think necessary ; and the notice of arbitration, in case arbitration is resorted to shall state the interest and powers required :

Notice in case of arbitration. 1879.

Power to make sidings, conduits, &c. 1879.

39. Whenever any gravel, stone, earth, sand or water is taken as aforesaid, at a distance from the line of the railway, the company may lay down the necessary sidings, water-pipes or conduits and tracks over or through any lands intervening between the railway and the lands on which such material or water is found, whatever the distance may be ; and all the provisions of this Act, except such as relate to the filing of plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be acquired for a term of years or permanently, as the company may think proper ; and the powers in this and the next preceding sub-section contained may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the railway.

May be exercised for repairing and maintaining road. 1879.

Provision when the whole lot or parcel of land can be pur-

40. Whenever, for the purpose of procuring sufficient lands for stations or gravel-pits, or for constructing, maintaining and using the railway, any land may be taken under the compulsory provisions of this section, and by purchasing

the whole of any lot or parcel of land over which the railway is to run, or of which any part may be taken under the said provisions, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the roadway line only or only such part as aforesaid, the company may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel not necessary for the purposes aforesaid.

chased with advantage. 1879.

10. Whenever any railway company, subject for any cause to the legislative authority of the Parliament of Canada, (and whether the provisions of this Act generally do or do not for other purposes apply to such company or their railway,) requires at any station or place on the line of such railway more ample space for the convenient accommodation of the public and of the traffic on the railway than they then possess or can take without the consent of the proprietors thereof, the company may cause a plan to be made of the additional ground required at such station or place for the purposes aforesaid, not being in actual use for similar purposes by any other railway company, (and for the purpose of making such plan shall have the powers granted to railway companies for making surveys, by the seventh section of this Act,) and may transmit such plan to the Minister of Public Works, with an application (supported by affidavit) on behalf of the company, referring to such plan and stating that certain grounds shewn thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Minister to authorize the taking thereof for such purposes under this Act,—of which application ten days notice shall be given to the owner or possessor of such property; and the correctness of the plan and the truth of the allegations in such application shall be certified by the President or one of the Directors of the company, and by their Engineer; and such plan and statement shall be made and transmitted to the Minister in duplicate.

Proceeding when more space is required for the accommodation of the traffic at any station or place. 1871.

11. The Minister of Public Works shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the ground shewn on such plan, or any less quantity should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the Minister.

Certificate of Minister of Public Works required. 1871.

Effect of such certificate, and application of certain provisions of this Act to the land certified as necessary. 1871.

12. Upon the granting of such certificate as aforesaid by the Minister of Public Works, and by virtue thereof, the company shall have power to take the ground shewn on the said plan as required for the purposes aforesaid, without the consent of the proprietors; and the company and all corporations or parties who could not otherwise convey the same to the company, shall have, with respect to any such ground, all the powers granted by the sections of this Act, headed "LANDS AND THEIR VALUATION," to railway companies, corporations and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said section, except such as refer to the map or plan and Book of Reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Minister of Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground, or any part thereof, with or without the consent of the proprietor; and if at any time thereafter the company shall not require the whole or any portion of the land acquired under the sections last aforesaid, then such land as is not so required shall be sold by public auction after thirty days notice thereof in any newspaper.

Sale of land taken and not afterwards required. 1871.

Proof of certificate. 1871.

13. Any such certificate as aforesaid, purporting to be signed by the Minister of Public Works, shall be received as authentic in all courts of law or equity, without proof of such signature or other evidence, unless its authenticity be called in question on behalf of the Crown.

Application of four next preceding sections. 1871.

14. The provisions of the four next preceding sections shall apply to every railway company heretofore, or which may be hereafter incorporated, and to every railway heretofore constructed, or now in course of construction or hereafter to be constructed, as well as to those railways and railway companies to which this Act is by its provisions declared to be generally applicable.

HIGHWAYS AND BRIDGES.

Railway not to be carried along any highway without leave from municipal authorities.

15. The railway shall not be carried along an existing highway, but merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal or local authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either case, the rail itself, provided it does not rise above nor sink below the surface of

the road more than one inch, shall not be deemed an obstruction:

Railway not to rise more than one inch above level of any highway when crossing the same.

2. No part of the railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above any highway within the limits aforesaid:

Height and span of bridge over highways.

3. The span of the arch of any bridge erected for carrying the railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet: and the descent under any such bridge shall not exceed one foot in twenty feet:

Ascent of bridges.

4. The ascent of all bridges erected to carry any highway over any railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway: and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge:

Provision with respect to existing bridges over railways.

5. Every highway or other overhead bridge or other erection or structure over any railway to which this Act applies, existing at the time of the passing of this Act, of which the lower beams or members of the superstructure are not of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then running on such railway and the bottom of such lower beams or members, shall, within twelve months from that date, be reconstructed to that effect, with suitable approaches thereto, if a bridge, at the cost of the railway company, municipality or other owner thereof, and shall at all times thereafter be maintained at such height; and every such railway company, before using higher freight cars than those running on their railways at the time of the passing of this Act, or of the reconstruction, as aforesaid of any such bridge or other erection or structure, as the case may be, shall after having first obtained the consent of the municipality, or of the owners of such bridge or other erection or structure, raise every such bridge or other erection or structure over their railway and the approaches thereto, if necessary, at the cost and charges of the railway company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used on the railway:

And as to the case where Company is about to use loftier freight cars. 1879.

Highway bridges, &c., hereafter con-

(*b.*) And whenever a highway bridge or any other erection or structure shall hereafter be constructed over a rail-

structed over railways to be made of a certain height above the top of the highest freight cars, and at whose expense, 1879.

way, or whenever it shall become necessary to reconstruct any highway bridge, or other erection or structure already built over a railway, or to make large repairs to the same, the lower beams or members of the superstructure of any such highway or overhead bridge, or of any other erection or structure over any railway, and the approaches thereto, shall be constructed or reconstructed at the cost of the railway company or of the municipality or other owner of the bridge, erection or structure, as the case may be, and shall, at all times, be maintained, at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then running on the railway and the lower beams or members of such bridge or other erection; and thereafter, any railway company, before using higher freight cars than those running on their railway at the time of the construction or reconstruction of, or large repair to such bridge or other erection or structure, shall, after having first obtained the consent of the municipality, or of the owners of such highway bridge, or other erection or structure, raise the said bridge or other erection or structure, and the approaches thereto, if necessary, at the cost and charges of the railway company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used, on the railway:

Provision in case of higher cars being used thereafter.

Precautions when Railway crosses a highway.

6. Signboards stretching across or projecting over the highway crossed at a level by any railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, in letters not less than six inches in length; and for any neglect to comply with the requirements of this sub-section, a penalty not exceeding forty dollars shall be incurred.

FENCES.

Fences to be erected on each side of Railway, with gates and crossings.

16. Within six months after any lands have been taken for the use of the railway, the company shall, if thereunto required by the proprietors of the adjoining lands, at their own costs and charges, erect and maintain on each side of the railway, fences of the height and strength of an ordinary division fence, with sliding gates, commonly called hurdle gates, with proper fastenings, at farm crossings of the road, for the use of the proprietors of the lands adjoining the railway; and also cattle-guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway:

Liability of Company until cattle guards are erected.

2. Until such fences and cattle-guards are duly made, the company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the railway:

3. After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done: When to be exempted.

4. If any person rides, leads or drives any horse or any other animal, or suffers any such horse or other animal to enter upon such railway, and within the fences and guards, other than the farm crossings, without the consent of the company, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby: Persons prohibited from going on the track, &c, with cattle, &c.

5. No person other than those connected with, or employed by the railway, shall walk along the track thereof, except where the same is laid across or along a highway: Not to walk on track.

6. Each and every railway company heretofore incorporated or which may hereafter be incorporated, and subject to the jurisdiction of the Parliament of Canada, as well as the Government of Canada with respect to all railways constructed by or being the property or under the control of the Dominion of Canada, shall have the right, on and after the first day of November, in each year, to enter into and upon any lands of Her Majesty, or into and upon the lands of any corporation or person whatsoever, lying along the route or line of any railway, and to erect and maintain snow fences thereon, subject to the payment of such land damages (if any) as may be thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered: Provided always, that any snow fences so erected shall be removed on or before the first day of April then next following. Power to erect snow fences on adjoining lands. 1873. Proviso.

TOLLS.

17. Tolls shall be, from time to time, fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway, or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the railway, in such manner and under such regulations as the by-laws direct: Tolls to be fixed by by-laws or otherwise.

2. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent court; or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof: How payment of tolls may be enforced.

When if tolls are not paid, goods distrained may be sold.

3. If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale,—rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto :

When goods distrained or detained may be sold.

4. If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Official Gazette* of the Province in which such goods are, and in such other newspapers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods ; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any party entitled thereto :

Proceeds, how dealt with.

How balance to be disposed of.

5. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver-General, to be applied to the general purposes of Canada, until claimed by the party entitled thereto :

Tolls—how raised or reduced.

6. All or any of the tolls may, by any by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking ; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls :

A fraction of a mile or ton how estimated in charging tolls.

7. In all cases, a fraction in the distance over which goods or passengers are transported on the railway shall be considered as a whole mile ; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the numbers of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton :

Table of tolls to be stuck up in offices and cars.

8. The Directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing.

Tolls to be approved of by the Gover-

9. No tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publica-

tions in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof: nor in Council.

10. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council, from time to time, after approval thereof; and after an Order in Council, reducing the tolls fixed and regulated by any by-law, has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked: The Governor may revise by-laws fixing tolls.

11. The Parliament of Canada may, from time to time, reduce the tolls upon the railway, but not without consent of the company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Minister of Public Works of the amount received and expended by the company, the net income from all sources, for the year then last passed, is found to have exceeded fifteen per cent. upon the capital so actually expended: When Parliament may reduce tolls on Railways.

12. No by-law of any railway company by which any tolls are to be imposed or altered, or by which any party other than the members, officers and servants of the company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Governor in Council. By-laws imposing tolls, &c., to be approved by the Governor in Council.

GENERAL MEETING OF SHAREHOLDERS.

18. The shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, may elect directors in the manner provided by the next succeeding section. Shareholders may hold general meetings.

PRESIDENT AND DIRECTORS—THEIR ELECTION AND DUTIES.

19. A Board of Directors of the undertaking to manage its affairs, the number whereof shall be stated in the special Act, shall be chosen annually by a majority of the shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act, and if such election is not held on the day appointed, the directors shall cause such election to be held within as short a delay as possible after the day appointed: Board of Directors to be elected.

2. No person shall be admitted to vote on such subsequent day except those who would have been entitled to vote had the election been held on the day when it ought to have been held: Who entitled to vote.

Vacancies, how to be filled up.

3. Vacancies in the Board of Directors shall be filled in the manner prescribed by the by-laws:

Who qualified to be a Director.

4. No person shall be a director unless he is a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen:

Calling of special meetings, &c.

5. The method of calling general meetings, and the time and place of the first meeting of stockholders, for the appointment of directors, shall be determined and settled in the Special Act:

Votes to be in proportion to shares.

6. The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion of the number of shares held by him, unless otherwise provided by the Special Act:

Shareholders may vote by proxy.

7. All shareholders, whether resident in Canada or elsewhere, may vote by proxy, if they see fit; Provided that such proxy produce, from his constituent an appointment in writing, in the words or to the effect following, that is to say,—

Form.

I, , of one of the shareholders of the , do hereby appoint of , to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking, that may be mentioned or proposed at any meeting of the shareholders of the said company, or any of them, in such manner as he, the said thinks proper. In witness whereof, I have hereunto set my hand and seal, the day of , in the year

Votes by proxy to be valid.

8. The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company:

Term of office of Directors.

9. The directors appointed at the last election, or those appointed in their stead in case of vacancy, shall remain in office until the next ensuing election of directors:

Vacancies how supplied.

10. In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining directors:

11. The directors shall, at their first or at some other meeting after the election, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may, in like manner, elect a vice-president, who shall act as chairman in the absence of the president; President. Term of office. Vice President.

12. The directors at any meeting at which not less than a quorum, to be settled by the Special Act, are present, shall be competent to use and exercise all and any of the powers vested in them: Quorum.

13. The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors: Acts of majority to bind the whole.

14. No director shall have more than one vote except the chairman, who shall, in case of a division of equal numbers, have the casting vote: Casting vote.

15. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or special meetings,—such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act: Directors to be subject to Shareholders and by-laws.

16. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding the office of director, nor shall any person being a director of the company enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company: Officers of Company cannot be Directors or contractors.

17. The directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of Canada, and for the appointment of all officers, servants and artificers, and prescribing their respective duties: By-laws for management of stock, &c.

18. The directors shall, from time to time, appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or by the guarantee of the Canadian Guarantee Company, or of any society incorporated for like purposes, or otherwise, as they may deem expedient, from the manager and officers for the time being, for May appoint officers.

the safe keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their offices, as the directors think proper:

Vice-President to act in the absence of the President.

19. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures and other instruments, and perform all acts which by the regulations and by-laws of the company, or by the Acts incorporating the company, are required to be signed, performed and done by the president:

Absence of President may be entered in the minutes, and certified, &c.

20. The directors may, at any meeting, require the secretary to enter such absence or illness among the proceedings of such meeting; and a certificate thereof signed by the secretary, shall be delivered to any person or persons requiring the same on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *primâ facie* evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise:

Directors to cause annual accounts to be rendered.

21. The directors shall cause to be kept, and annually on the thirty-first day of December to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors.

CALLS.

Calls, how made and after what notice.

20. The directors may, from time to time, make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the Special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the Special Act:

Notice of meetings, how published.

2. All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Canada Gazette*, which shall be conclusive evidence of the sufficiency of such notice:

Payment of calls how to be made.

3. Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the

persons, and at the times and places from time to time appointed by the company or the directors:

Interest to be chargeable on overdue calls.

4. If before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment:

Amount of call may be recovered by suit.

5. If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same may be recovered with lawful interest from the day on which the call became payable:

What allegations and formalities necessary in actions for calls.

6. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action had accrued to the company by virtue of the Special Act:

Certificate of proprietorship *primâ facie* evidence.

7. The certificate of proprietorship of any share shall be admitted in all courts, as *primâ facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns to the share therein specified;

Proviso.

8. But the want of such certificate shall not prevent the holder of any share from disposing thereof:

Penalty for refusal to pay calls.

9. Any person neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof,—which forfeiture shall go to the company for the benefit thereof:

When only forfeiture of share to be taken advantage of.

10. No advantage shall be taken of the forfeiture, unless the shares are declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred:

Effect of forfeiture as to liabilities.

11. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking:

Directors may sell forfeited shares.

12. The directors may sell, either by public auction or private sale, and in such manner and on such terms as to them may seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the company:

Certificate of Treasurer to be evidence of forfeiture and of title of purchaser.

13. A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser: and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares; and the certificate shall be, by the said treasurer, enregistered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books required to be kept by the by-laws of the company; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale; and any shareholder may purchase any shares so sold:

Interest may be allowed to Shareholders paying money in advance on their shares.

14. Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay such interest at the legal rate of interest for the time being, as the shareholders paying such sum in advance and the company agree upon; but such interest shall not be paid out of the capital subscribed.

DIVIDENDS.

Declaration of dividend.

21. At the general meetings of the shareholders of the undertaking from time to time holden, a dividend shall be made out of the clear profits of the undertaking, unless such meetings declare otherwise:

At so much per share.

2. Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, as such meeting may think fit to appoint or determine:

Dividends not to impair the capital.

3. No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid in respect

of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid:

Directors may pay interest on sums called up in respect of shares.

4. The directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate not exceeding six dollars per hundred dollars per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the directors may appoint for that purpose:

No interest on shares in arrear.

5. No interest shall accrue to the proprietor of any share upon which any call is in arrear in respect of such share or upon any other share held by the same shareholder while such call remains unpaid.

SHARES AND THEIR TRANSFER.

Shareholders may dispose of shares.

22. Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the Company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered:

Form of sale

2. Sales shall be in the form following, varying the names and descriptions of the contracting parties as the case may require:—

I, A.B., in consideration of the sum of , paid to me by C.D., hereby do sell and transfer to him share (or shares) of the stock of the , to hold to him, the said C.D., his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I, the said C.D., do hereby agree to accept of the said share (*or* shares) subject to the same rules, orders and conditions. Witness our hands this day of in the year 18 :

Stock to be personal estate—No transfer of part of a share.

3. The stock of the company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon; and no transfer of less than a whole share shall be valid:

Transmission of shares other than by transfer, provided for.

4. If any share in the company be transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to

whom such share is transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary; and without such proof the party shall not be entitled to receive any share of the profits of the company, nor to vote in respect of any such share as the holder thereof:

Company not bound to see to the execution of trusts.

5. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share stands in the books of the company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders shall, from time to time, be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trusts; and the company shall not be bound to see to the application of the money paid upon such receipt:

Company not to take stock in their own or any other companies.

6. The funds of the company shall not be employed in the purchase of any stock in their own or in any other company.

SHAREHOLDERS.

Shareholders individually liable, and to what extent.

23. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities thereof, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part:

When and how municipal corporations may take stock, &c.

2. Municipal corporations in any Province in Canada being duly empowerad so to do by the laws of the Province, and subject to the limitations and restrictions by such laws prescribed, may subscribe for any number of shares in the capital stock of the company; and the Mayor, Warden or Reeve, or other head of any such corporation holding stoc k to the amount of twenty thousand dollars or upwards, shall be *ex officio* one of the directors of the company in addition to the number of directors authorizod by the Special Act:

Account of names and residence of Shareholders to be kept.

3. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose.

BY-LAWS, NOTICES, &c.

24. All by-laws, rules and orders regularly made, shall be put into writing and signed by the chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the company, shall be affixed openly in every place where tolls are to be gathered; and a printed copy of so much of them as relates to the safety and liability of passengers shall be openly affixed in each passenger car,—and in like manner so often as any change or alteration is made to the same; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be evidence thereof in any court: By-laws to be put into writing, and signed by Chairman.

2. All such by-laws, rules and orders shall be submitted from time to time to the Governor for approval: By-laws to be submitted to Governor.

3. Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any general or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute-books kept by the Secretary of the company, and by him certified to be true copies extracted from such minute-books, shall be evidence of such proceedings and resolutions in any court: Copies of minutes to be *primâ facie* evidence.

4. All notices given by the Secretary of the company, by order of the directors, shall be deemed notices by the directors and company. Notices by Secretary valid.

WORKING OF THE RAILWAY.

25. Every servant of the undertaking employed in a passenger train or at a station for passengers, shall wear upon his hat or cap a badge, which shall indicate his office; and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property: Servants to wear badges.

2. The trains shall be started and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways and at usual stopping-places established for receiving and discharging way-passengers and goods from the trains: Trains to start at regular hours.

Carriage on payment of fare or freight.

3. Such passengers and goods shall be taken, transported and discharged at, from and to such places, on the due payment of the toll, freight or fare legally authorized therefor :

The Company liable for neglect or refusal. 1868 and 1871.

4. The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company ; from which action the company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servants :

Checks to be fixed on parcels.

5. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the same :

Penalty for refusing to give checks.

6. If such check be refused on demand, the company shall pay to such passenger the sum of eight dollars, to be recovered in a civil action ; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare the same shall be refunded by the conductor in charge of the train :

Passenger a witness in his own behalf.

7. Any passenger producing such check may himself be a witness in any suit brought by him against the company to prove the contents and value of his baggage not delivered to him :

Baggage cars not to be in rear of passenger cars.

8. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall severally be guilty of a misdemeanor, and be punished accordingly :

Locomotives to have bells and whistles.

9. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle ;

To be rung or sounded at every crossing, &c.

10. The bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof, to be paid by the company, who shall also be liable for all damages sustained by any person by reason of such neglect ; and one-half of such penalty and damages shall be chargeable to and collected by the company from the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid :

Penalty and damages.

Intoxication of driver or conductor a misdemeanor.

11. Any person in charge of a locomotive engine or acting as the conductor of a car or train of cars, who is intoxicated, shall be guilty of a misdemeanor :

12. Any passenger refusing to pay his fare, may, by the conductor of the train and the servants of the Company, be put out of the train, with his baggage, at any usual stopping place, or near any dwelling-house, as the conductor elects, the conductor first stopping the train and using no unnecessary force : Passenger refusing to pay fare may be put out.

13. Any person injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time : Passenger to have no claim if injured when on platform of cars, &c.

14. No passenger shall be entitled to carry, or require the Company to carry upon their railway, aquafortis, oil of vitriol, gunpowder, nitro-glycerine, or any other goods which in the judgment of the Company may be of a dangerous nature; and if any person sends by the said railway any such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station-master or other servant of the Company with whom the same are left, he shall forfeit to the Company the sum of five hundred dollars for every such offence : As to goods of dangerous nature. They must be plainly marked.

15 The Company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact ; and it shall not be lawful for the Company to carry any such goods of a dangerous nature except in cars specially designated for that purpose, on each side of each of which shall be plainly painted in large letters the words "dangerous explosives" ; and for every default of the observance of this provision the Company shall be liable to forfeit and pay the sum of five hundred dollars, to be recovered by any person suing for the same Dangerous goods may be refused. In what manner such goods must be carried. 1868 and 1879.

TRAINS OVERDUE.

26. It shall be the duty of every railway Company, upon whose road there is a telegraph line in operation, to have a blackboard put upon the outside of a station-house, over the platform of the station, in some conspicuous place at each station of such Company at which there is a telegraph office ; and when any passenger train is overdue for half an hour at any such station according to the time table of such Company, it shall be the duty of the station-master or person in charge at such station to write or cause to be written with white chalk on such blackboard a notice in English and French in the Province of Quebec, and in English in the Duty of station agent, &c., when a train is overdue. Notice to be posted up,

and what to show.

other Provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; and if when that time has come, the train has not reached the station, it shall be the duty of the station-master or person in charge of the station to write or cause to be written on the blackboard in like manner a fresh notice, stating, to the best of his knowledge and belief, the time when such overdue train may then be expected to reach such station. And every such railway Company, station master or person in charge at any such station, shall be liable to a penalty not exceeding five dollars for any wilful neglect, omission or refusal to obey the provisions aforesaid; and any proceeding for the recovery of any such penalty may be brought, in the Province of Quebec, before any two Justices of the Peace or before the Circuit Court of the district or of the county in which district or county such station is situate, and, in the other Provinces, before any two Justices of the Peace or the Stipendiary or Police Magistrate for the city, town, district or county in which such station is situate:

Penalty for contravention.

Suits for penalty, how brought. 1873.

Application of penalty and limitation of actions.

Proviso.

The penalty recoverable under the provisions of this section shall belong to the Crown; and every proceeding brought by virtue of this section shall be commenced within one month following the commission of the offence and not after; but nothing in this section shall prejudice the right of any person to the recovery of damages from any such railway Company by reason of the detention of trains as aforesaid; and every such railway Company is hereby required to have a printed copy of this section posted up in a conspicuous place at each of its stations at which there is a telegraph office.

This section to be posted up at stations. 1873.

ACTIONS FOR INDEMNITY; AND FINES AND PENALTIES AND THEIR PROSECUTION.

Limitation of actions for damages.

27. All suits for indemnity for any damage or injury sustained by reason of the railway shall be instituted within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue, and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by the authority of this Act and the Special Act:

Fines, how recovered.

2. All fines and forfeitures imposed by Part First of this Act, or the Special Act, or by any by-law, except those for the levying and recovering of which special provision is herein made, shall be recovered in a summary manner before any one or more Justice or Justices of the Peace for the district, county or place where the act occurred:

3. All the fines, forfeitures and penalties recovered under the next preceding paragraph, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the Company, to be applied to the use thereof; How applicable.

4. Any contravention of this Act or of the Special Act by the Company or by any other party, for which no punishment or penalty is herein provided. shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention. Contravention of this Act, &c., to be a misdemeanor. Proviso.

GENERAL PROVISIONS.

28. Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on Her Majesty's service, shall at all times, when required by the Postmaster General of Canada, the Commander of the Forces, or any person having the superintendence and command of any Police Force, and with the whole resources of the Company if required, be carried on the railway, on such terms and conditions, and under such regulations as the Governor in Council may make: Provision as to the carriage of Her Majesty's Mail, &c.

2. The Company shall, when required so to do by the Governor in Council, or any person authorized by him, place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service: Government to have exclusive use of telegraph, if required.

3. The Governor may, at any time, cause a line or lines of electric telegraph to be constructed along the line of the railway, for the use of the Government, and for that purpose may enter upon and occupy so much of the lands of the Company as may be necessary for the purpose: Telegraph line may be constructed by Governor.

4. Any further enactments which the Parliament of Canada may hereafter make, for the carriage of the Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act: Further enactments may be made by Parliament.

Tenders to be advertised for, as to works not of immediate necessity.

5. No contracts for works of construction or maintenance of the railway, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to that at which the work is required to be done, but the Company shall not be compelled to accept any such tender:

Period for subscription of Capital, and completion of Railway.

6. If the construction of the railway be not commenced, and ten per cent. on the amount of the capital be not expended thereon, within three years after the passing of the Special Act, or if the railway is not finished and put in operation in ten years from the passing of such Special Act, the corporate existence and powers of the Company shall cease:

Account to be submitted to Legislature yearly.

7. After the opening of the railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of Parliament, an account shall be annually submitted to the three branches containing a detailed and particular account, attested upon oath of the President, or in his absence, of the Vice-President, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement:

Form or details of account may be varied by Parliament.

8. No further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company:

Parliament may dissolve any Corporation formed under this Act.

9. Parliament may at any time annul or dissolve any corporation formed under this Act; but such dissolution shall not take away or impair any remedy given against any such corporations, its shareholders, officers, or servants, for any liability which had been previously incurred:

Saving of Her Majesty's Rights, &c.

10. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate,—such only excepted as are herein mentioned.

RAILWAY STATISTICS.

Word "Company" what to mean. 1875.

29. In this and the five next following sections the term "Company" means a Company incorporated either before or after the passing of this Act, for the purpose of constructing, maintaining or working a railway in the Dominion, or in any Province thereof, or connecting any Province with any other or others of the Provinces, or extending beyond the

limits of any Province, by any Act of the Parliament of Canada, or of the late Province of Canada, or of the Legislatures of the late Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, British Columbia, or Prince Edward Island, or of the Legislatures of any of the Provinces composing the Dominion of Canada (either alone or in conjunction with any other purpose), and includes any individual or individuals not incorporated, who are owners or lessees of a railway in the Dominion, or parties to an agreement for working a railway in the Dominion:

The term "person" includes a body corporate. Person. 1875.

30. Every Company shall annually prepare returns of their capital in accordance with the form contained in Schedule One to this Act, and a copy of such returns signed by the President or other head officer of the Company resident in Canada and by the officer of the Company responsible for the correctness of such return or any part thereof, shall be forwarded by the Company to the Minister of Public Works, not later than three months after the end of the calendar year; together with a copy of the then last annual return of the traffic and working expenditure which every such Company is required to keep, in accordance with the provisions of their respective Acts of incorporation, to be verified in manner and form aforesaid, and furnished in such form as the Minister of Public Works shall approve of or prescribe. Any Company which fails to forward the said returns in accordance with the provisions of this section, shall be liable to a penalty not exceeding ten dollars for every day during which such default continues

Companies to furnish yearly returns to Government; and in what form and with what details. 1876.

31. Every Company shall weekly prepare returns of their traffic for the last preceding seven days in accordance with the form contained in Schedule Two to this Act, and a copy of such returns signed by the officer of the Company responsible for the correctness of such return, shall be forwarded by the Company to the Minister of Public Works within seven days from the day in each week to which the said returns shall have been prepared; and another copy of each of such returns, signed by the same officer, shall be posted up by the Company within the same delay, and kept posted up for seven days, in some conspicuous place in the most public room in the head office of the Company in Canada, and so as the same can be perused by all comers; and free access thereto shall be allowed to all comers during the usual hours of business at such office on each day of the said seven not being a Sunday or holiday:

Weekly returns for publication to be furnished by Companies; and copy to be posted up in Head Office. 1875.

And every Company which fails to forward the said weekly return to the Minister of Public Works, or which fails to post up and keep posted up a copy thereof as aforesaid, and

Penalty for default. 1875.

allow free access thereto as aforesaid, shall be liable to a penalty not exceeding ten dollars for every day during which such default continues.

Penalty for false return. 1875.

32. If any return which is required by the two next preceding sections is false in any particular to the knowledge of any person who signs the same, such person shall be liable, on conviction thereof on indictment, to fine and imprisonment,—such fine not to exceed two hundred and fifty dollars:

How recoverable. 1876.

2. All penalties imposed by this or the two next preceding sections shall be recoverable by the person suing for the same for his own use and benefit in any court having jurisdiction in civil cases to the amount.

Report to Parliament. 1875.

33. The Minister of Public Works shall lay before both Houses of Parliament within twenty-one days from the commencement of each Session, the returns made and rendered to him, in pursuance of section thirty of this Act.

Returns to be privileged. 1875.

34. All returns made in pursuance of any of the provisions of this Act, shall be privileged communications, and shall not be evidence in any court whatsoever.

PART SECOND.

THE RAILWAY COMMITTEE.

Railway Committee constituted.

35. The Governor General may, from time to time, appoint such Members of the Privy Council, to the number of four at least, as he may see fit, to constitute the Railway Committee of the Privy Council, and such Committee shall

Duties.

have the powers and perform the duties assigned to them by this Act.

May appoint a Chairman and a Secretary.

36. The Railway Committee shall appoint one of its members to be Chairman, and the Deputy of the Minister of Public Works, or some other fit person appointed by the Committee, shall be the Secretary of the Committee.

Railway not to be opened till after one month's notice to Railway Committee of intention to open the same.

37. No railway or portion of any railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the Company to whom the railway belongs to the Railway Committee, and until ten days after notice in writing has been given by the Company, to the Railway Committee, of the time when the railway or portion of railway will be, in the opinion of the Company, sufficiently completed for the safe conveyance of passengers, and ready for inspection.

38. If any railway or portion of a railway be opened without such notices, the Company to whom such Railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the notices have been duly given and have expired. Penalty for contravention.

39. The Railway Committee, upon receiving such notification, shall direct one or more of the engineers attached to the Department of Public Works to examine the railway proposed to be opened, and all bridges, culverts, tunnels, road crossings and other works and appliances connected therewith, and also all engines and other rolling-stock intended to be used thereon; and if the inspecting engineer or engineers report in writing to the Railway Committee that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such railway, together with the ground of such opinion, the Railway Committee, with the sanction of the Governor in Council, and so from time to time, as often as such engineer or engineers, after further inspection thereof so report, may order and direct the Company to whom the railway belongs to postpone such opening not exceeding one month at any one time, until it appears to the Committee that such opening may take place without danger to the public. Railway Committee upon report of an engineer and sanction of Governor in Council may postpone the opening of road.

40. If any railway, or any portion thereof, be opened contrary to such order or direction of the Railway Committee, the Company to whom the railway belongs shall forfeit to Her Majesty, the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction. Penalty for opening contrary to the order of the Committee.

41. No such order shall be binding upon any railway Company unless therewith is delivered to the Company a copy of the report of the inspecting engineer or engineers on which the order is founded. When only such order to be binding on the Company.

42. The Railway Committee, whenever they receive information to the effect that any bridge, culvert, viaduct, tunnel, or any other portion of any railway, or any engine, car, or carriage used or for use on any railway, is dangerous to the public using the same, from want of repair, insufficient or erroneous construction or from any other cause, or whenever circumstances may arise which, in their opinion, render it expedient, may direct any engineer or engineers as aforesaid to examine and inspect the railway or any portion thereof, or of the works connected therewith, or the engines and other rolling stock in use thereon or any portion thereof; and upon the report of the engineer or engineers may condemn the railway, or any portion thereof, or any of the Committee may cause any work to be inspected and may, on report of engineer, condemn railway or rolling stock with sanction of Governor in Council and may order certain alterations in the works, &c.

rolling-stock or other appliances used thereon, and with the approval of the Governor in Council, may require any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said railway; and thereupon the Company to which such railway belongs, or the Company using, running or controlling the same, shall, after notice thereof in writing signed by the Chairmain of the Committee and countersigned by the Secretary thereof, proceed to make good or remedy the defects in the said portions of the railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to, as has been required in manner aforesaid by the Committee.

Inspecting engineer may, in case of danger, forbid the running of trains, &c.

43. If in the opinion of any such engineer, it is dangerous for trains or vehicles to pass over any railway, or any portions thereof, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage or locomotive should be run or used, the said engineer may forthwith forbid the running of any train or vehicle over such railway or portion of railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the President, Managing Director, or Secretary or Superintendent of the Company owning, running or using such railway, or to any officer having the management or control of the running of trains on such railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended.

Must report to the Committee, who may confirm or disallow his order.

44. The inspecting engineer shall forthwith report the same to the Railway Committee, who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the inspecting engineer, and such confirmation, modification or disallowance shall be duly notified to the railway Company affected thereby.

Power of engineer to examine the works, &c.

45. Any engineer or engineers so appointed as aforesaid to inspect any railway or works, may at all reasonable times, upon producing his or their authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle-guards, works and buildings, and the engines, cars and carriages belonging thereto.

Company to afford all necessary information to engineer.

46 Every railway Company and the officers and directors thereof shall afford to the inspecting engineer or engineers such information as may be within their knowledge and power in all matters inquired into by them, and shall submit to such inspecting engineer or engineers, all plans, specifications, drawings and documents relating to the construction, repair or state of repair of such railway or any portion thereof, whether a bridge, culvert or other part:

2. Any such inspecting engineer shall have the right, whilst engaged in the business of such inspection, to travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of or under the control of any such railway Company: Engineer to be conveyed by Company.

3. The operators or officers employed in the telegraph offices of or under the control of the Company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages; and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars: Telegraph operators to obey his orders.

4. The authority of any such inspecting engineer shall be sufficiently evidenced by instructions in writing, signed by the Chairman of the Railway Committee, and countersigned by the Secretary thereof. Proof of his authority.

47. The Governor in Council, upon the report of the Railway Committee, may authorize or require any railway Company to construct fixed and permanent bridges, or to substitute such bridges in the place of the swing, draw or moveable bridges on the line of such railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the Company uses such swing, draw or moveable bridges, the Company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and it shall not be lawful for any railway Company to substitute any swing, draw or moveable bridge in the place or stead of any fixed or permanent bridge already built and constructed without the previous consent of the Railway Committee. Governor may order permanent bridges to be substituted for moveable bridges. Penalty for neglect.

48. In any case where a railway is constructed, or authorized to be constructed, across any turnpike road, street or other public highway, on the level, the Railway Committee, if it appears to them necessary for the public safety, may, with the sanction of the Governor in Council, authorize and require the Company to whom such railway belongs, within such time as the said Committee directs, to carry such road, street or highway either over or under the said railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Committee the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by railway Companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing. Certain powers vested in Railway Committee with respect to crossing public highways, on a level.

Railway Company may be required to repair any level crossing out of repair.

49. Whenever any level crossing on any railway shall be out of repair, the chief officer of the municipality, or other local division, having jurisdiction over the highway so crossed, may serve a notice upon the Company in the usual manner, requiring the repair to be forthwith made, and if the Company shall not forthwith make the same, such officer may transmit a copy of the notice so served to the Secretary of the Railway Committee: and thereupon it shall be the duty of the Committee, with all possible despatch, to appoint a day for an examination into the matter; and the Committee shall, by mail, give notice to such chief officer, and to the Company, of the day so fixed; and upon the day so named such crossings shall be examined by an engineer appointed by the Railway Committee; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the Company to make the same; and the Company shall thereupon, with all possible despatch, comply with the requirement of such certificate; and in case of default the proper authority in the municipality or other local division, within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the Company in any court of competent jurisdiction, as money paid to the Company's use; Provided always, that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such Company in the premises.

Inspecting Engineer's certificate to be conclusive.

Proviso.

When the Committee may regulate speed of trains, times of running, &c.

50. The Railway Committee, or the inspecting engineer or engineers, may limit the number of times or rate of speed of running of trains or vehicles, upon any railway or portion of railway, until such alterations or repairs as they or he may think sufficient have been made, or until such times as they or he think prudent; and the Company owning, running or using such railway shall comply forthwith with any such order of the Railway Committee or inspecting engineer, upon notice thereof as aforesaid; and for every act of non-compliance therewith every such railway company shall forfeit to Her Majesty the sum of two thousand dollars.

Penalty for non-compliance.

Notice of accidents to be given to the Committee.

51. Every railway Company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the railway belonging to such Company of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Railway Committee; and if any Company wilfully omits to give such notice such Company shall forfeit to Her Majesty the sum of two hundred dollars for

every day during which the omission to give the same continues.

Inspection not to relieve Company from liability

52. No inspection had under this Act, nor anything in this Act contained or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any railway company of or from any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for any thing done or omitted to be done by such Company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such Company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such Company under the laws in force in the Province in which such liability or responsibility arises.

Company to notify orders of Committee to its officers, &c.

53. Every railway company, shall, as soon as possible after the receipt of any order or notice of the Railway Committee or inspecting engineer, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the sixty-fourth section of this Act.

What to be deemed sufficient notice thereof.

54. All orders of the Railway Committee shall be considered as made known to the railway Company by a notice thereof signed by the Chairman and countersigned by the Secretary of the Committee, and delivered to the President, Vice-President, Managing Director, Secretary or Superintendent of the Company, or at the office of the Company; and orders of the inspecting engineer or engineers shall be deemed to be made known to the railway Company, by a notice thereof, signed by the engineer or engineers, and delivered as above mentioned.

Return of accidents to be made semi-annually, and what to contain.

55. Every railway Company shall, within one month after the first days of January and July, in each and every year, make to the Railway Committee, under the oath of the President, Secretary or Superintendent of the Company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the railway of the Company during the half year next preceding each of the said periods respectively, setting forth,—

1. The causes and natures of such accidents and casualties;

2. The points at which they occurred and whether by night or by day;

3. The full extent thereof, and all the particulars of the same; and—

Copy of By-laws.

4. Shall also at the same time return a true copy of the existing by-laws of the Company, and of their rules and regulations for the management of the Company and of their railway.

Form of return to be appointed by the Railway Committee.

56. The Railway Committee may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any railway Company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Committee deem necessary and require for their information, with a view to the public safety.

Penalty for neglect.

57. If such returns so verified be not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Committee, every Company making default shall forfeit to Her Majesty the sum of one hundred dollars for every day during which the Company neglects to deliver the same.

Such returns to be privileged communications.

58. All such returns shall be privileged communications and shall not be evidence in any court whatsoever.

Railway Committee to have, with respect to certain Railways, the powers of the former Railway Commissioners.

59. With respect to all railways coming within the jurisdiction of the Parliament of Canada, to which the provisions of the Railway Act, chapter sixty-six of the Consolidated Statutes of Canada, apply, the Railway Committee constituted by this Act shall be invested with all the rights and powers vested in the Board of Railway Commissioners under the said Act, collectively, or in any single member thereof; and such powers may be exercised by the said Committee collectively or by any single member thereof, as the case may be, in the same manner and as effectually as they might have been exercised by the said Board of Railway Commissioners; but any inspection that might be required in respect of any such railway, shall be performed in conformity with the provisions of this Act:

And may continue proceedings commenced by R. Commissioners.

2. All proceedings heretofore commenced by the said Board of Railway Commissioners may be taken up and continued; and all orders and regulations of the said Board, and all penalties and forfeitures, for their contravention, may be enforced and recovered by the Railway Committee in the same manner and with the same effect as they might have been by the said Board before the passing of this Act.

60. The directors of any railway Company may, at any time, make agreements or arrangements with any other Company, either in Canada or elsewhere, for the regulation and interchange of traffic passing to and from their railways, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith, for any term not exceeding twenty-one years, and to provide either by proxy or otherwise, for the appointment of a Joint Committee or Committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the stockholders voting in person or by proxy:

One Company may agree with another respecting traffic.

2. But every railway Company shall, according to their respective powers, afford all reasonable facilities to any other railway Company for the receiving and forwarding and delivering of traffic upon and from the several railways belonging to or worked by such Companies respectively, and for the return of carriages, trucks, and other vehicles; and no Company shall give or continue any preference or advantage to, or in favour of any particular Company, or any particular description of traffic, in any respect whatsoever, nor shall any Company subject any particular Company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; and every railway Company having or working a railway which forms part of a continuous line of railway, or which intersects any other railway, or which has any terminus, station or wharf of the one near any terminus, station or wharf of the other, shall afford all reasonable facilities for receiving and forwarding by the one railway all the traffic arriving by the other, without any unreasonable delay, and without any preference or advantage or prejudice or disadvantage, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said railway Companies; and any agreement made between any two or more railway Companies contrary to the foregoing provisions, shall be unlawful, null and void:

Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favour.

Agreements made in contravention of this Act to be void.

3. Any railway Company granting any facilities to any incorporated express Company shall grant equal facilities on equal terms and conditions to any other incorporated express company demanding the same:

Must grant equal facilities to all express companies.

Penalty on Companies or their officers refusing or neglecting to forward traffic as above required.

4. If any officer, servant or agent of any railway Company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the Company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or such Company for conveyance over or along their railway from that of any other Company, intersecting or coming near to such first-mentioned railway, —or in any way wilfully contravenes the provisions of the second sub-section of this section,—such first-mentioned railway Company, or such officer, servant or agent, personally, shall, for each such neglect or refusal, incur a penalty not exceeding fifty dollars over and above the actual damages sustained ; which penalty may be recovered with costs, in a summary way, before any Justice of the Peace, by the railway Company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of the Company, or other party so aggrieved :

How recoverable and how to be applied.

Interpretation of word "Traffic."

5. For the purposes of the four next preceding sub-sections, the word "Traffic" includes not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway,—the word "railway" includes all stations and depots of the railway ;—and a railway shall be deemed to come near another when some part of the one is within one mile of some part of the other.

Railway Company, &c.

RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any Railway, and how.

61. The Justices of the Peace for any County in the Provinces of Ontario, Nova Scotia or New Brunswick or Prince Edward Island, assembled at any General or Quarter Sessions of the Peace, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace or Clerk of the Crown or Judge of the Sessions of the Peace in the Province of Quebec, on the application of the Board of Directors of any railway company, whose railway passes within the local jurisdiction of such Justices of the Peace, Judge, Clerk, or Judge of the Sessions of the Peace, as may be, or on the application of any clerk or agent of such Company thereto authorized by such Board, may, in their or his discretion, appoint any persons recommended to them for that purpose by such Board of Directors, clerk or agent, to act as constables on and along such railway ; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say :—

Oath of office.

" I, A. B., having been appointed a constable to act upon " and along (*here name the railway*), under the provisions of " (*here insert the title of this Act*), do swear that I will well

"and truly serve Our Sovereign Lady the Queen, in the said "office of constable, without favour or affection, malice or ill- "will, and that I will, to the best of my power, cause the "peace to be kept, and prevent all offences against the peace, "and that while I continue to hold the said office, I will, to "the best of my skill and knowledge, discharge the duties "thereof faithfully, according to law. So help me God:"

By whom to be administered.

2. Such oath or declaration shall be administered in either of the Provinces of Ontario, Nova Scotia or New Brunswick, or Prince Edward Island, by any one such Justice, and in the Province of Quebec by any such Judge, Clerk or Judge of the Sessions of the Peace; and every constable so appointed, and having taken such oath or made such declaration, shall have full power to act as constable for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts, on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to such Company, whether the same be in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes, which may be worked or leased by such railway company, and in all places not more than one-quarter of a mile distant from such railway or railways; and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constable-wick; and it shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any Justice or Justices appointed for any county, city, town, parish, district or other local jurisdiction within which any such railway may pass; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his local jurisdiction:

And see s. 101 *as to other Provinces.* 1878.

Powers of such constables, and to what localities they shall extend.

Further duties and powers of such constables.

Dismissal of any such constable.

3. Any two Justices of the Peace, in either of the Provinces of Ontario, Nova Scotia or New Brunswick, or Prince Edward Island, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, may dismiss any such constable, who may be acting within their several jurisdictions; and the Board of Directors of such railway Company,

And see s. 101

or any clerk or agent of such Company thereto authorized by such Board, may dismiss any such constable who may be acting on such railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by which he was dismissed :

Record of appointment of each constable to be kept. 1868 and 1879.

4. Every such railway Company shall cause to be recorded in the office of the Clerk of the Peace for every county, city, town, parish, district or other local jurisdiction wherein such railway or railways may pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment, or dismissal, as may be; and the Clerk of the Peace shall keep such record in a book, to be open to public inspection, charging such fee or fees as the Railway Committee may, from time to time, authorize, and in such form as the Committee may, from time to time, direct:

Punishment of constables guilty of neglect of duty.

5 Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city, district or other local jurisdiction wherein such railway may pass, to a penalty of not more than eighty dollars, the amount of which penalty may be deducted from any salary due to such offender, if such constable be in receipt of a salary from the railway Company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district or other local jurisdiction :

And of persons resisting them.

6. Every person who assaults or resists any constable appointed as aforesaid, in the execution of his duty, or who incites any person so to do, shall, for every such offence, be liable, on summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labour, for not more than two months.

GENERAL PROVISIONS.

Companies to make by-laws for regulation of conductors and other officers, &c.

62. Every railway Company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers and other officers and servants of the company, and by all other Companies and persons using the railway of such Company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in the trains on the railway of the Company, as are

requisite for ensuring the perfect carrying into effect of the provisions of this Act, and the orders and regulations of the Railway Committee:

Altering by-laws. 1875.

2. The Company may, from time to time, repeal or alter such by-laws and make others, provided that such by-laws be not repugnant to the provisions of this Act or the Act incorporating the company, or any Act or Acts amending any of them:

Form. 1875.

3. And such by-laws shall be reduced into writing and shall have affixed thereto the common seal of the Company:

Imposing penalties. 1875.

4. Any of the conductors, engine-drivers, and other officers and servants of the Company or other railway Companies using any railway, offending against any such by-law shall forfeit for every such offence a sum not exceeding forty dollars,—such forfeiture to be imposed by the Company in such bylaw as a penalty for every such offence:

Summary interference in certain cases. 1875.

5. If the infraction or non-observance of any such by-law, by any of the classes in the next preceding sub-section mentioned, be attended with danger or annoyance to the public, or hindrance to the Company in the lawful use of the railway, it shall be lawful for the Company summarily to interfere, using no violence or unnecessary force, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law:

Sanction. 1875.

6. No such by-law shall have force or effect unless or until it has been approved by the Governor in Council:

How such by-laws shall be notified to railway servants and the public. 1875.

7. The substance of any such by-law, when approved as aforesaid, if it affects any officer or servant of the Company, may be proved by proving the delivery of a copy to or its receipt by such officer or servant; and if it affects any other railway Company using the railway, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed, and continued on the front or other conspicuous part of every wharf or station belonging to the Company, according to the nature or subject matter of such by-laws respectively, and so as to give public notice thereof to the parties interested therein, or affected thereby; and such boards shall, from time to time, be renewed as often as the by-laws thereon or any part thereof shall be obliterated or destroyed; and no penalty imposed by any such by-law shall be recoverable unless the same shall have been published, and kept published in the manner aforesaid:

What parties to be bound by such by-laws. 1875.

8. Such by-laws, when so confirmed, shall be binding upon and be observed by all parties mentioned in the fourth sub-section of this section, and shall be sufficient to justify all persons

Proof thereof. 1875.

acting under the same; and for proof of the publication of any such by-laws affecting only any other railway Company using the railway, it shall be sufficient to prove that a printed paper or painted board, containing a copy of such by-laws, was affixed and continued in manner by this section directed, and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be.

Company may impose penalties for contravention of by-laws.

63. Any railway Company may, by a by-law, impose upon any officer, servant, or person who, before the contravention of such by-law has had notice thereof and is employed by the Company, a forfeiture to the Company of not less than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender.

How notice of by-laws or orders may be proved.

64. The notice of the by-law or of any order or notice of the Railway Committee, or of the inspecting engineer or engineers, may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed.

When such proof, &c, to be a defence for the Company.

65. Such proof, with a proof of the contravention, shall be a full answer and defence for the Company in any suit for the recovery of the amount so retained; and such forfeiture shall be over and above any penalty under this Act.

Not to impede navigation.

66. No such Company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their railway is carried.

Railways crossing rivers, &c., regulated.

67. If the railway be carried across any navigable river or canal, the Company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge, or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge as the Governor in Council from time to time makes:

As to bridges over navigable rivers of Canada. 1879.

2. No railway Company shall, from and after the first day of August, 1879, be allowed to pass over any canal, or over the navigable channel of any river, without having first laid such proper flooring under and on both sides of their railway track over such canal or channel, as shall be deemed by the Minister of Public Works sufficient to prevent any thing falling from the railway into such canal or river, or upon the boats or vessels, or craft, or persons navigating such canal or river.

68. It shall not be lawful for any such Company to construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Railway Committee, and the same has been approved; and no deviation from such approved site or plan shall be made without the consent of the Committee. Plans to be submitted to the Governor in Council.

69. Nothing contained in the three next preceding sections of this Act, shall be construed to limit or affect any power expressly given to any railway Company by its Special Act of incorporation or any Special Act amending the same. Exception where special powers are given by the Special Act.

70. In all cases where a railway passes any draw or swing-bridge over a navigable river, canal or stream which is subject to be opened for the purposes of navigation, the trains shall in every case be stopped at least three minutes, to ascertain from the bridge tender that the said bridge is closed and in perfect order for passing; and in default of so stopping during the full period of three minutes, the said railway Company shall be subject to a fine or penalty of four hundred dollars. When a Railway passes over a swing-bridge, &c., train to stop for three minutes.

71. Whenever any railway Company or other road company is lawfully incorporated by an Act of a Provincial Legislature, with power to construct a railway or other road on a line intersected by any navigable water, and it is necessary for such construction that such road shall be carried across or along such navigable water, the sixty-sixth, sixty-seventh, sixty-eighth, and seventieth sections of this Act shall, subject to the provisions hereinafter made, apply to such Company in respect of the carrying such road by such Company across or along such navigable water: Certain sections to apply to Provincial Companies crossing navigable waters. 1876.

2. Any Company proposing to construct any work under this section shall give public notice for six weeks, in two newspapers published nearest the site of the proposed work, that the plan and proposed site has been submitted to the Railway Committee of the Privy Council under the sixty-eighth section, and that it is intended to apply to the Governor in Council to authorize the work: Notice to be given by any such Company. 1876.

3. Subject to the provisions of the said sixth-sixth, sixty-seventh, sixty-eighth and seventieth sections, the Governor in Council may, after the expiration of the notice prescribed by the second sub-section of this section, authorize such Company to carry such road across or along such navigable water, pursuant to a plan and on a site to be approved by the Railway Committee under the said sixty-eighth section, upon such conditions as shall appear reasonable: Provided How only the road may be constructed in such places. 1876.

Proviso.

that no unnecessary damage be caused to any lands by reason of the work, and that compensation be made for any damage caused to any lands by reason of the work,—the amount of such compensation in case of disagreement to be settled under the provisions of this Act:

Act respecting Bridges, 35 V., c. 25, to apply. 1876.

4. In case any Company constructs any work under the provisions of this section, such Company shall, as to the work so constructed, but no further or otherwise, be subject to the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act respecting Bridges*;" and the whole of such work shall be deemed to be "bridge" within the purview of the said Act and subject to all the provisions thereof:

Power reserved to Parliament. 1876.

5. Parliament may, at any time, annul or vary any order of the Governor in Council, made under the third sub-section of this section; and no such legislation shall be deemed an infringement of the rights of the Company:

Not to apply to certain rivers. 1876.

6. No order shall be made under this section to authorize the crossing of the River St. Lawrence or the River St. John.

Company to use the best apparatus for communication between conductors and engine-drivers, and for stopping or disconnecting cars, fixing seats in cars, &c.

72. Every railway Company which runs trains upon the railway for the conveyance of passengers shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the Railway Committee may order.

Penalty for not complying with the 72nd section.

73. Every railway Company which fails to comply with any of the provisions contained in the next preceding section of this Act, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues.

Further precautions at level crossings.

74. Every railway Company shall [station an officer at every point on their line crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.

75. Every locomotive or railway engine or train of cars, on any railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of one minute. Further precautions when one Railway crosses another on a level.

76. No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village at a speed greater than six miles per hour, unless the track is properly fenced. Or runs through a city, town, &c.

77. Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, the Company shall station on the last car in the train a person who shall warn parties, standing on or crossing the track of such railway, of the approach of such train; and for any contravention of the provisions of this and the three next preceding sections the Company shall incur a penalty of one hundred dollars. Or moves reversely.

78. If the Railway Committee orders any railway company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the Company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road. Foot passengers to use foot bridge, if provided for that purpose at level crossing.

79. No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway within half a mile of the intersection of such highway with any railway on grade, unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection. No cattle to be allowed to be at large on any highway within half a mile of any Railway.

80. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property. Such cattle may be impounded.

81. No person, any of whose cattle being at large, contrary to the provisions of section seventy-nine, are killed by If killed, owner not

entitled to any action.

any train at such point of intersection, shall have any action against any railway Company in respect to the same being so killed.

Crossings to be fenced.

82. At every road and farm crossing on the grade of the railway, the crossing shall be sufficiently fenced on both sides so as to allow the safe passage of the trains.

Ground belonging to the Company to be cleared of weeds, &c.

83. Every railway Company shall cause all thistles and other noxious weeds growing on the cleared land or ground adjoining the railway and belonging to such Company to be cut down and kept constantly cut down, or to be rooted out of the same.

Consequences of omitting to do so.

84. If any railway Company fails to comply with the requirements of the last preceding section within twenty days after they have been required to comply with the same, by notice from the mayor, reeve, or chief officer of the municipality of the township, county or district in which the land or ground lies, or from any Justice of the Peace therein, such Company shall thereby incur a penalty of two dollars to the use of the municipality, and in the Provinces of Nova Scotia and New Brunswick, to the overseer of the poor for the locality, for each day during which they neglect to do anything which they are lawfully required to do by such notice; and the said mayor, reeve, or officer or Justice of the Peace may cause all things to be done which the said Company were lawfully required to do by such notice, and for that purpose may enter by himself and his assistants or workmen upon such lands or grounds; and may recover the expenses and charges incurred in so doing, and the said penalty, with costs of suit, in any court having jurisdiction in civil cases to the amount sought to be recovered.

Interest of purchase money or rent of real property to be deemed working expenses.

85. The interest of the purchase-money or rent of any real property acquired or leased by any railway company, and necessary to the efficient working of such railway, and the price or purchase-money of any real property or thing, without which the railway could not be efficiently worked, shall be considered to be part of the expenses of working such railway, and shall be paid as such out of the earnings of the railway.

PENAL CLAUSES.

Penalty on persons obstructing free use of Railway.

86. Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanour, and on conviction thereof, shall be punished by imprisonment in the common gaol of the district or county where the conviction takes place, for any

term less than two years; or in the penitentiary, for a term not to exceed five years, and not less than two years.

Penalty on persons damaging Railway.

87. All persons wilfully and maliciously, and to the prejudice of the railway, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental or relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting, hindering or preventing the carrying on, completing, supporting and maintaining the railway, vessels or works, shall be guilty of a misdemeanour, unless the offence committed amounts, under some other Act or law, to a felony, in which case such person shall be guilty of a felony; and the court by and before whom the person is tried and convicted may cause such person to be punished in like manner as persons guilty of misdemeanour or felony, as the case may be, are directed to be punished by the laws in force in Canada.

If the offence be a felony.

Punishment of persons doing any thing to Railway with intent to injure persons or property.

88. If any person wilfully and maliciously displaces or removes any railway switch or rail of any railway, or breaks down, rips up, injures or destroys any railway track, or railway bridge or fence of any railway or any portion thereof, or places any obstruction whatsoever on any such rail or railway track or bridge, with intent thereby to injure any person or property passing over or along such railway, or to endanger human life, such person shall be guilty of misdemeanour, and shall be punished by imprisonment with hard labour in the common gaol of the territorial division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such railway, actually suffers any bodily harm, or if any property passing over and along such railway be injured, such suffering or injury shall be an aggravation of the offence, and shall render the offence a felony, and shall subject the offender to punishment by imprisonment in the penitentiary for two years, or in any other prison or place of confinement for any period exceeding one year and less than two years.

And if such damage be actually done.

Placing any obstruction on Railway, removing rails, moving points, &c., with intent to endanger life or property, to be felony, and how punishable.

89. Whosoever unlawfully and maliciously puts or throws upon or across any railway, any wood, stone or other matter or thing, or unlawfully and maliciously takes up, removes or displaces any rail, sleeper or other matter or thing belonging to any railway, or unlawfully and maliciously turns, moves or diverts any point, or other machinery belonging to any railway, or unlawfully and maliciously makes or shows, hides or removes any signal or light, upon or near to any railway, or unlawfully or maliciously does or causes to be done any other matter or thing, with intent in any of the

1879. *And see* 32, 33 V., c. 22, s. 29.

cases aforesaid, to endanger the safety of any person travelling or being upon such railway, is guilty of felony, and shall be liable to be imprisoned in the penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years with or without hard labour.

Committing any injury, stoppage, &c., to be a misdemeanour.

90. If any person wilfully and maliciously does or causes to be done, any act whatever whereby any building, fence, construction or work of any railway, or any engine, machine or structure of any railway, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty of a misdemeanour, and be punished by imprisonment with hard labour not exceeding one year, in the common gaol of the territorial division in which the offence was committed or has been tried.

Punishment of persons boring or cutting casks or packages on Railway.

91. Every person who bores, pierces, cuts, opens, or otherwise injures any cask, box or package, containing wine, spirits or other liquors or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, wagon, boat, vessel, warehouse, station-house, wharf, quay or premises of or belonging to any such railway Company, with intent feloniously to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof, or who unlawfully drinks or wilfully spills or allows to run to waste, any such liquors, or any part thereof, shall, for every such offence, be liable, on summary conviction before one or more Justices of the Peace, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for not more than one month.

Punishment of persons obstructing Inspectors in the execution of their duty.

92. Every person wilfully obstructing any inspecting engineer in the execution of his duty shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars, and in default of payment of any penalty so adjudged, immediately, or within such time as the said Justice of the Peace appoints, the same Justice, or any other Justice having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months; but such commitment shall be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of General or of Quarter Sessions in the usual manner.

Punishment of officers, &c., contravening by-laws, &c.

93. If any officer or servant of, or person employed by any railway Company, wilfully or negligently contravenes any by-law or regulation of the Company lawfully made and

in force, or any order or notice of the Railway Committee or of the inspecting engineer or engineers, of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, then if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanour, and the person convicted thereof shall, in the discretion of the court before whom the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to persons or property to be more or less great, be punished by fine or imprisonment, or both, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for over two years, shall be in the penitentiary.

Penalty in certain cases. and how recoverable.

94. If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant or other person guilty thereof, shall hereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the Company, in the discretion of the Justice of the Peace before whom the conviction is had; and such penalty shall be recoverable with costs, before any one Justice of the Peace having jurisdiction where the offence has been committed, or where the offender is found,—on the oath of one credible witness other than the informer.

Application of penalty.

95. One moiety of such penalty shall belong to Her Majesty for the public uses of Canada, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of the Company, in which case he shall be a competent witness, and the whole penalty shall belong to Her Majesty for the uses aforesaid.

The Company may pay penalty and deduct from wages.

96. The Company may, in all cases under the three next preceding sections, pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay.

RAILWAY FUND.

Railway Inspection Fund.

97. Every railway in Canada to which this Act applies, shall, so soon as any portion thereof is in use, pay to the Receiver General an annual rate to be fixed by the Railway Committee, not exceeding ten dollars per mile of railway constructed and in use; such rate to be paid half-yearly on

the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund."

INTERPRETATION CLAUSE.

What the words "Railway Company" shall include.

98. In the construction of the provisions of this Act, from section thirty-five to section ninety-seven, both inclusive, the expression "Railway Company," or "Company" shall include any person being the owner or lessee of or a contractor working any railway constructed or carried on under the powers of an Act of Parliament.

APPLICATION OF PENALTIES.

How penalties recovered shall be applied.

99. All penalties recovered under this Act, in respect to the application of which no other provision is made, shall be paid to the Receiver General of Canada, to the credit of "The Railway Inspection Fund."

APPLICATION OF CERTAIN SECTIONS

Extent of certain enactments in this Act declared. 1875.

100. The enactments contained in sub-section eighteen of section seven, in sub-section twenty-eight (*b*) of section nine, and in sub-sections one to eight, both inclusive, of section sixty-two, and sub-section four of section twenty-five, of this Act, were declared by the Act thirty-eighth Victoria, chapter twenty-four (1875), to apply to every railway Company theretofore incorporated or which might thereafter be incorporated and subject to the jurisdiction of the Parliament of Canada, and also to the Governor in Council with respect to all railways constructed by or under the control and management of the Government of Canada, or of any Minister or Department thereof, or being the property of the Dominion of Canada, and they shall so apply accordingly.

This Act, except sections 29 to 34, to apply to P.E.I. 1878

101. All the provisions of this Act, except those contained in sections twenty-nine to thirty-four, both inclusive, shall, as provided by the Act forty-one Victoria, chapter three (1878), be held to have applied thereafter to the Province of Prince Edward Island, unless declared to be applicable to one or more only of the Provinces composing the Dominion; but this shall not be construed as a declaration that any part of this Act or of the Acts consolidated in it, did or did not apply to the said Province before the passing of the said Act in 1878:

As to application to a Judge in the said Province of P.E.I. 1878.

2. Whenever, under any provision of this Act applying to the said Province, application is to be made to a judge, such application may, in the said Province, be made to a Judge of the Supreme Court or of a County Court; and the compensation referred to in sub-section thirty of section nine

of this Act, may, in the said Province, be paid into the office of the Supreme Court, which shall be held to be the court referred to in sub-sections thirty-one, thirty-two and thirty-three of the said section:

Certain provisions to apply to B. Columbia, Manitoba and N.-W. Territories. 1879.

3. The provisions made in section nine of this Act as to incumbrances on lands acquired for railway purposes shall apply to lands in the Provinces of Manitoba and British Columbia, and in the North-West Territories; and as respects lands in the said Territories the Court of Queen's Bench in the Province of Manitoba shall, unless and until there be a Superior Court therein, be held to be the Court referred to in the said section: in the said Provinces and Territories any judge of a Superior Court or County Judge shall have all the powers given by this Act to a County Judge, and in the said Territories such powers shall, if there be there no such Judge or County Judge, be held and exercised by a Judge of the Court of Queen's Bench for Manitoba; and the Justices of the Peace in the said Provinces and Territories respectively, shall have and exercise the powers given by section sixty-one to Justices of the Peace in the Provinces therein mentioned.

REPEALING AND SAVING CLAUSE.

Repeal of former Acts.

102. Subject to the provisions hereinafter made, the Act passed in the thirty-first year of Her Majesty's reign, and known as "*The Railway Act*, 1868;" the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled "*An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend The Railway Act*, 1868;" the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act to amend the general Acts respecting Railways*;" the Act passed in the year last mentioned, and intituled "*An Act to amend the Act thirty-fourth Victoria, chapter forty-three, intituled, 'An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend The Railway Act*, 1868;" the Act passed in the thirty-eighth year of Her Majesty's reign, and intituled "*An Act further to amend the general Acts respecting Railways*;" the Act passed in the year last mentioned, and intituled "*An Act to extend and amend the law requiring Railway Companies to furnish returns of their capital, traffic and working expenditure;*" the Act passed in the thirty-ninth year of Her Majesty's reign, and intituled "*An Act to amend 'The Railway Statistics Act;'*" the Act passed in the year last mentioned, and intituled "*An Act to make provision for the crossing of navigable waters by Railway or other road Companies incorporated under Provincial Acts;*" the Act passed in the same year, and intituled "*An Act to amend the Railway Act*, 1868;" the Act

31 V., c 68, (1868.)
34 V., c. 43, (1871.)
36 V., c. 80, (1873.)
36 V., c. 81, (1873.)
38 V., c. 24, (1875.)
38 V., c. 25, (1875.)
39 V., c. 14, (1876.)
39 V., c. 15 (1876.)
39 V., c. 32, (1876.)

40 V., c. 45. (1877.)

41 V., c. 3, (1878.)

passed in the fortieth year of Her Majesty's reign, and intituled "*An Act to amend 'The Railway Act*, 1868;'" and the Act passed in the forty-first year of Her Majesty's reign, and intituled "*An Act to extend to the Province of Prince Edward Island 'The Railway Act*, 1868,' *and certain Acts amending the same*," are hereby repealed and this Act is substituted for them: Provided always, that all Acts or enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done and all rights acquired under the Acts hereby repealed, or any of them, shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed, under the corresponding provisions of this Act, which shall not be construed as a new law but as a consolidation and continuation of the said repealed Acts, subject to the amendments and new provisions hereby made and incorporated with them; and anything heretofore done in pursuance or in contravention of any provision in any of the said repealed Acts which is repeated without material alteration in this Act, may be alleged or referred to as having been done in pursuance or in contravention of the repealed Act in which such provision was made or of this Act; and every such provision shall be construed as having and as having had the same effect and from the same time as under such repealed Act; and any reference in any former Act or document to any such repealed Act or to any provision in any of the said repealed Acts shall hereafter be construed as a reference to this Act or to the corresponding provision in this Act.

Proviso as to the effect of such repeal.

How this Act shall be construed and have effect.

RETURNS BY RAILWAY COMPANIES.

Schedule One (1875.)

Return in pursuance of *The Consolidated Railway Act*, 1879, by the Railway Company of their authorized Share and Loan Capital, and the sums received in respect of their Ordinary Capital and Preferential Capital, and Debenture Stock, or Funded Debt, on the 31st December, 18 , specifying the rate per cent. of the Dividends for the year 18 , on each of the said Capitals, showing also the Loans outstanding on the 31st December, 18 , classified according to the several rates per cent. of interest, and the Capital subscribed to other undertakings, whether such undertakings are on lease to, or worked by the subscribing Company, or are independent.

Name of Company.	*Authorized Capital up to the 31st December, 18 , including capital authorized as subscriptions to other undertakings, whether such other undertakings are on lease to, or worked by the subscribing Company, or are independent.			Paid-up Stock and Share Capital at 31st December, 18 , including subscriptions paid up to other undertakings.								
	†By Shares.	By Loans.	Total.	Ordinary.	Rate per cent. of Dividend.	Guaranteed.	Guaranteed Rate of Dividend.	Rate of Dividend paid.	Preferential.	Preferential Rate of Dividend.	Rate of Dividend paid.	Total paid-up Stock and Share Capital at 31st Dec., 18 .
	$	$	$	$	$	$	$	$	$	$	$	$

Capital raised by Loans and Debenture Stock at 31st December, 18 .					Total Stock and Share Capital paid-up, and Capital raised by Loans and Debenture Stock, at 31st Dec., 18 .	Subscriptions to other Companies.	Remarks.
Loans.	Rate of Interest.	‡Debentures.	Rate of Interest.	Total raised by Loans and Debenture Stock at 31st Dec., 18 .			
$		$		$	$	$	

Note.—This Return should be dated and signed by the officer or officers of the Company responsible for its correctness.

* This should include all capital authorized to be raised by Acts of Parliament, or by Provincial Legislatures, but should not include capital authorized only for purposes which have lapsed by abandonment or otherwise.

† In cases where a subscription is authorized out of *existing* capital, no addition should be made in respect of it to the sum entered in this column, but only to the sum entered in the last column.

‡ Care should be taken not to confound debenture stock with ordinary debenture loans, and not to enter the same under both heads.

SCHEDULE TWO (1875.)

..... Railway of Canada.

RETURN of Traffic for week ending 18 , and the corresponding week, 18 .

Date.	Passengers.		Freight and Live Stock.		Mails and Sundries.	Total.	Miles Open.
18	.....	.....	.....	.....	.....	.....	.....
18	.....	.....	.....	.....	.....	.....	.....

Increase.....
Decrease.....

Aggregate Traffic from.....18.....

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Total.	Miles Open.
18	.....	.....	.....	.....	.....
18	.....	.....	.....	.....	.....

MEMORANDUM.

Parts of this Act in which provisions of former Acts, &c., amending "The Railway Act, 1868," are incorporated.

1871—34 Vic., cap. 43—In sections 10, 11, 12, 13, 14 and 25.
1873—36 do 80 do 16, sub-section 6.
1873—36 do 81 do 26.
1875—38 do 24 do 7, sub-sec. 18; 9, sub-sec. 28; 62, sub-secs. 1 to 7.
1875—38 do 25 do 29, and 31 to 34, both inclusive, and schedule.
1876—39 do 14 do 30 and 32, sub-section 2.
1876—39 do 15 do 71.
1876—39 do 32 do 9, sub-section 22.
1877—40 do 45 do 7 do 16.
1878—41 do 3 do 61 and 101.
1879—*New.*—In sections 9, sub-secs. 38, 39, 40; 15, sub-sec. 5; 67, sub-sec. 2; 89, 101.

44 VICTORIA.

CHAP. 24.

An Act to amend the Consolidated Railway Act.

[*Assented to* 21*st March*, 1881.]

Preamble.

WHEREAS doubts have arisen as to the true intent and meaning of the word "capital" in the eleventh sub-section of the seventeenth section of "*The Consolidated Railway Act*, 1879," hereinafter called "The Railway Act," and it is expedient to remove such doubts: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

42 V, c. 9.

Capital defined.

Exception.

Application of definition.

1. The said word "capital" as used in the said sub-section meant and means the paid-up stock and share capital of the company with interest added for periods during which no dividend is paid, to the exclusion of all subsidies and bonuses, and as regards the Canadian Pacific Railway of any debt of the company contracted on the pledge thereof, or of any part thereof: And this interpretation of the said word shall apply to all railway companies affected by the said sub-section or by any amendment of the said sub-section in which the said word is used, which is or shall be incorporated with the special Act or charter of any railway company.

Error corrected.

2. The word "or" in the third line of the said eleventh sub-section, as printed in the Statute-Book, is declared to have been inserted by a clerical error and shall be struck out, and shall be held to have been inserted contrary to the intention of Parliament.

Section 30 amended.

2. And whereas it is expedient to amend section thirty of the Railway Act; therefore, the words "three months after the end of the calendar year" are hereby struck out of said section thirty, and the words "three months after the first day of July in each year" are substituted for them; and the returns of capital, traffic, working expenditure and

Form and time of yearly returns.

all other information to be furnished to the Minister of Railways and Canals shall be in the form contained in schedule One appended to this Act, which is hereby substituted for schedule One appended to the said Railway Act, schedule Two remaining in force for the weekly returns required by the said Act; and such returns shall be dated and signed by and attested upon the oath of the Secretary or some other chief officer, and of the President, or in his absence of the Vice-President or Manager of the company; and such returns shall be made for the period included from the date to which the then last yearly returns made by the same company extended, or from the commencement of the operation of the railway, if no such return has been made, to the last day of June, in the then current year; and shall, in addition to the information contained in the schedule hereto, furnish such other information and returns as shall, from time to time, be required by the Governor in Council."

Attestation of returns.

What period shall be included in returns.

Further information.

Sub-section 5 of section 15 repealed and new sub-section substituted.

3. And whereas it is expedient to amend sub-section five of section fifteen of the Railway Act; therefore, the said sub-section five is hereby repealed, except as to things done or offences committed before the passing of this Act, and the following substituted for it:—

Clear headway of 7 feet above highest freight cars to be left in all bridges, &c., over the Railway.

"5. Every bridge or other erection or structure over or through or under which any railway to which this Act applies, passes, and every tunnel through which any such railway passes, existing at the time of the passing of the Act, of which the lower beams, members or portions of that part of such bridge, erection, structure or tunnel which is over the railway, are not of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members or portions, shall, with suitable approaches thereto where necessary, be reconstructed or altered within twelve months from the passing of this Act so as to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members or portions, and shall at all times thereafter be so maintained as to admit of such open and clear headway of at least seven feet. Such bridges or other erections, structures or tunnels shall be reconstructed or altered at the cost of the company, municipality or other owner thereof as the case may be. The company before using higher freight cars than those used on the railway at the time of the passing of this Act, or of the reconstruction or alteration as aforesaid, of any such bridge or other erection, structure or tunnel, as the case may be, shall, after having first obtained the consent of the municipality or of the owner of such bridge or other erection, structure or tunnel, reconstruct or alter such bridge or other

Cost by whom defrayed.

Provision when company wishes to use higher freight cars.

erection, structure or tunnel, and the approaches thereto, if necessary, so as to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members and portions aforesaid. Provided always, that the Governor may, by Order in Council, exempt any bridge, erection, structure or tunnel now existing from the operation of this section.

Proviso.

"*b.* And whenever any such bridge, erection, structure or tunnel shall hereafter be constructed over or on the line of a railway, or whenever it shall become necessary to reconstruct any such bridge, erection, structure or tunnel already built over or on the line of a railway, or to make large repairs to the same, the lower beams, members or portions of the superstructure of any such bridge, erection, structure or tunnel, and the approaches thereto if necessary, shall be constructed or reconstructed at the cost of the company or of the municipality or other owner of the bridge, erection, structure or tunnel, as the case may be, and shall, at all times, be maintained at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then used on the railway and the lower beams, members or portions of such bridge, erection, structure or tunnel; and thereafter, the company, before using higher freight cars than those used on their railway at the time of the construction or reconstruction of, or large repair to such bridge, erection, structure or tunnel, shall, after having first obtained the consent of the municipality, or of the owner of such bridge, erection, structure or tunnel, raise the said bridge or other erection, structure, or tunnel, and the approaches thereto, if necessary, so as to admit, as aforesaid, of an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used on the railway."

Case of bridges, &c., hereafter constructed or re-constructed provided for in like manner.

And when company intends to use higher freight cars.

4. Section thirty of the Railway Act, as amended by this Act, and sub-section five of section fifteen of said Act, as amended by this Act, shall apply to every railway and railway company subject to the legislative authority of the Parliament of Canada.

To what railways certain provisions shall apply.

5. And in correction of the French version of sub-section six of section sixty-one of the Act hereby amended, the word "*plus*" shall be substituted for the word "*moins*" in the last line but one thereof.

Error in French version corrected.

SCHEDULE ONE.

Form of Yearly Returns to the Minister of Railways and Canals, required from Railway Companies under the "*Consolidated Railway Act*, 1879," as amended by this Act.

RETURNS made by the (*corporate name of the Company*) in pursuance of the Act 44 Victoria, chap. 24, for the period included between the (*insert the day to which the last Returns extend, or the date of the commencement of operations, as the case may be*), to the last day of June, in the year 18 .

LOCATION AND GENERAL DESCRIPTION OF RAILWAY.

Showing the County or Counties through which the Railway runs, the Terminal Points, Connections, if any, and giving a general description of the Line and the Country through which it passes.

Statement containing copies of all contracts made by the company, for the construction of any part of the railway.

No. 1.

RETURNS of the Capital Account of the said Railway, also the Revenue and Expenditure, &c.

No. 2.—Capital Account.

—	Authorized.	Subscribed.	Paid up.	*Rate of Interest or Dividend.
	$ cts.	$ cts.	$ cts.	$ cts.
Total amount of ordinary share capital				
Total amount of preference share capital				
do do				
do do				
do do				
Total amount of ordinary bonds				
do do				
do do				
do do				
do do				
Total amount of Government loans				
do do bonuses				
Total amount of Government subscription to shares				
Total amount of Government subscription to bonds				
Total amount of municipal loans				
do do bonuses				
do of municipal subscription to shares				
do of municipal subscription to bonds				
do from other sources				
Total capital				

This statement must agree with the totals shown in the report of the company, a copy of which is to be transmitted also. If there are more than one issue of preference shares or bonds, state them and the amount of each class.

If any floating debt exists it must be stated so as to make the total agree with the published report.

*State whether dividend is cumulative or not.

No. 3.—Loans or Bonuses from Governments or Municipalities.

From what source.	Amount of Loan Granted.	Amount of Bonus Granted.	Amount of Subscription to Shares.	Amount of Subscription to Bonds.	Rate of Interest.	Date of Re-payment.
	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	
Governments.....						
Total.						
Municipalities.						
Total.						

No. 4.—Bonds or other Securities Negotiated by the Company.

Amounts.	Rate of Interest.	Date of Sale.	Prices Realized.
$ cts.	$ cts.		$ cts.

No. 5.—Sales of Land made by the Company.

Acres Sold.	Price per Acre.	Amount.
	$ cts.	$ cts.

No. 6.—Floating Debt.

Amount.	Rate of Interest.	Remarks.
$ cts.	$ cts.	

No. 7.—Characteristics of Road, &c.

	Miles.
Owned.	
*Length of main line from.....to.....	
do branch from.....to.....	
do do .....to.....	
do do .....to.....	
do do .....to.....	
Leased.	
Length of railway from.....to.....	
do do .....to.....	
do do .....to.....	
do do .....to.....	
Total mileage worked.....	
Length of road laid with iron rails.....	
do do steel rails.....	
do of sidings.....	
do of double-track (if any).....	
Weight of rail per yard, main line, iron.....	Lbs.
do do do steel.....	do
do do branches, iron.....	do
do do do steel.....	do
Number of engine-houses and shops.....	
do of engines owned by company.....	
do do hired.....	
do of first-class passenger cars owned by company.....	
do do do hired.....	
do of second class and emigrant cars owned by company.....	
do do do hired.....	
do baggage, mail and express cars owned by company.....	
do do do hired.....	
do cattle and box freight cars owned by company.....	
do do do hired.....	
do platform cars owned by company.....	
do do hired.....	
do coal cars owned by company.....	
do do hired.....	
do ties to mile, main line.....	
do do branches.....	
Nature of fastenings used to secure joint of rail.....	
Number of grain elevators.....	
†Capacity of do at.....	
do do .....to.....	
do do .....to.....	
Number of level road crossings at which watchmen are employed.....	
do do without watchmen.....	
do overhead bridges.....	
Height of do above rail level.....	
Number of level crossings of other railways.....	
do junctions with other railways.....	
do do branch lines.....	
Radius of sharpest curve.....	
Number of feet per mile of heaviest gradient.....	
Gauge of railway.....	

* If the line or any portion of it is under construction, the length being constructed to be given.

† State where these are situated, and the capacity of each.

No. 8.—Actual Cost of Railway and Rolling Stock.

	$	cts.
1. Cost of land and land damages		
2. Cost in connection with the administration of the Land Grant in aid, if any		
3. Cost of grading, masonry and bridging, station buildings, &c., &c.		
4. Cost of rolling stock of all kinds, including workshops		
Total		

The above total to show the real cash cost of construction and rolling stock.

No. 9.—Operations of the Year and Number of Miles Run.

1. Miles run by passenger trains	
2. do freight trains	
3. do mixed trains	
4. Total miles run by trains	
5. do engines	
6. Total number of passengers carried	
7. do tons of freight (of 2,000 lbs.) carried	
8. Average rate of speed of passenger trains	
9. do do freight trains	
10. Average weight of passenger trains in motion	
11. do freight trains in motion	

No. 10.—Description of Freight Carried.

	Weight in Tons.
1. Flour in barrels, No	
2. Grain in bushels, No	
3. Live stock, No	
4. Lumber of all kinds, excepting firewood, ft	
5. Firewood, number of cords of 128 cubic ft	
6. Manufactured goods	
7. All other articles	
Total weight carried	

No. 11.—Earnings of the Railway.

——	$	cts.
1. From passenger traffic		
2. From freight traffic		
3. From mails and express freight		
4. From other sources		
Total		

No. 12.—General Tariff of Tolls Established by the Company.

No. 13.—Special Rates of Tolls Established by the Company.

No. 14, A.—Operating Expenses—Maintenance of Line, Buildings, &c.

——	$	cts.
1. Wages, &c., of labour employed on track, including siding		
2. Cost of iron rails and fastenings		
3. Cost of steel rails and fastenings		
4. Ballasting		
5. Repairs of bridges and culverts		
6. Repairs and renewals of buildings		
7. Repairs of fencing		
8. Clearing snow		
9. Engineering superintendence		
Total		

No. 14, B.—Operating Expenses—Working and Repairs of Engines.

——	$	cts.
1. Wages of engineers, firemen and cleaners		
2. Cost of coal for fuel		
Cost of wood for fuel		
3. Repairs of engines and tenders		
4. Oil, tallow, waste, &c., for engines		
5. Pumping engines		
6. Repairs of tools and machinery		
7. Superintendence		
Total		

No. 14, C.—Working and Repairs of Cars.

——	$	cts.
1. Wages and material for repairs of passenger cars		
2. do do freight cars and snow ploughs		
3. Superintendence		
Total		

No. 14, D.—Operating Expenses General and Operating Charges.

——	$	cts.
1. Office expenses, including directors, auditors, management, travelling expenses, stationery, &c		
2. Station agents, clerks, porters, &c		
3. Conductors, baggagemen and brakemen		
4. Compensation for personal injuries		
5. Loss or damage to freight		
6. Cattle killed		
7. Cost of ferries and ferry-boats		
8. Cost of foreign agencies		
9. Small stores, including lights, lamps and signals		
10. All other charges		
11.		
12.		
13.		
Total		

Blanks are left for any other items of Expenditure not included above.

No. 15.—Summary of Operating Expenses.

	$	cts.
A. Maintenance of line, buildings, &c.		
B. Cost of working and repairs to engines		
C. Cost of working and repairs to cars		
D. Cost of general operating expenses		
Total cost of operating railway		

The above statement to include the full cost of operating the railway, and the total to correspond with the published return of the company.

No. 16.—Accidents.

Cause of Accident.	Passengers.		Employés.		Others.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Fell from cars or engine								
Jumping on or off trains or engine when in motion								
Walking, standing, lying, sitting or being on track								
At work on or near the track, making up trains								
Putting arms or heads out of windows								
Coupling cars								
Collision, or by trains thrown from track								
Explosions								
Striking bridges								
Total								

The following is a Statement of the date of each Accident, the place where it occurred, the train, the cause of the accident, of the extent of the injury to each person injured, and the name of such person.

Date.	Name of Place.	Nature of Accident or Cause.

No. 17.—Names and Residences of Directors and Officers of the Company.

Names of Directors.	Residences.
	President.
	Secretary and Treasurer.
	General Manager.
	Engineer.
	Superintendent.

The following is the official name and address of the company :—

45 VICTORIA.

CHAP. 53.

An Act to authorize the construction, on certain conditions of the Canadian Pacific Railway through some Pass other than the Yellow Head Pass.

[*Assented to* 17*th May*, 1882.]

Preamble.

WHEREAS by clause thirteenth of the contract with Her Majesty the Queen now held by the Canadian Pacific Railway Company (which contract is contained in the schedule to the Act passed in the forty-fourth year of Her Majesty's reign, chapter one, intituled, "An Act respecting the Canadian Pacific Railway") it is provided that the said Company shall have the right, subject to the approval of the Governor in Council, to lay out and locate the line of the railway thereby contracted for as they may see fit, preserving the following terminal points, namely, from Callander Station to the point of junction with the Lake Superior Section and from Selkirk to the junction with the western section at Kamloops by way of the Yellow Head Pass, and whereas it may be found to be in the public interest that the junction with the western section at Kamloops should be made by way of some pass other than the Yellow Head Pass; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

44 V., c. 1 cited; as to the Pass through the Rocky Mountains.

Change of Pass may be authorized by Governor in Council.

Proviso.

1. The Canadian Pacific Railway Company may, subject to the approval of the Governor in Council, lay out and locate their main line of railway from Selkirk to the junction with the western section at Kamloops by way of some pass other than the Yellow Head Pass, provided that the pass be not less than one hundred miles from the boundary between Canada and the United States of America.

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NOTE.—The unrepealed Acts relating to the Intercolonial Railway are 31 Vic., c. 13—36 V., c. 45—37 V., c. 15—38 V., c. 22—39 V., c. 16—42 V., cc. 10 and 11. And those relating to the Canadian Pacific Railway are 37 V., c. 14 (extended to N.W.T. by 38 V., c. 49, s. 77)—42 V., cc. 13 and 14. To the first of these Railways this Act applies so far as its provisions are applicable, s. 2; and to the second in like manner, under 37 V., c. 14, s. 4, subs 9 to 18.

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